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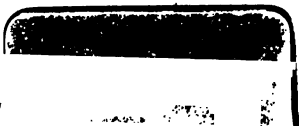
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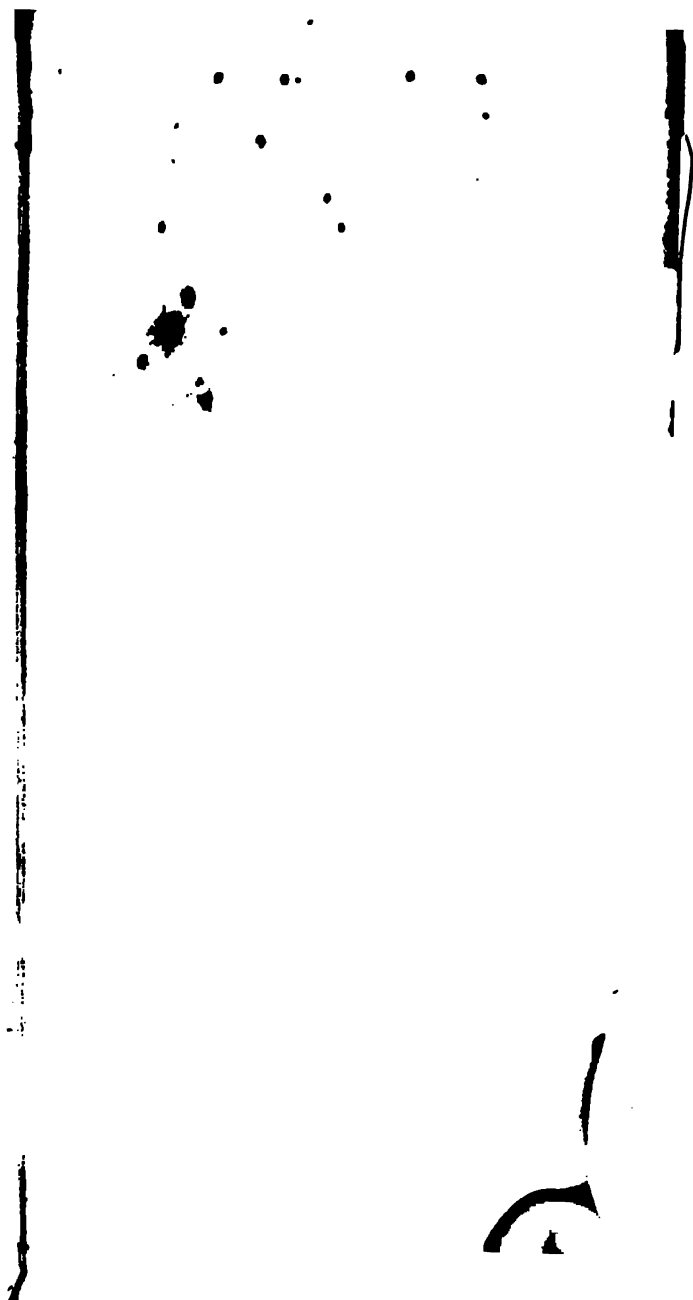
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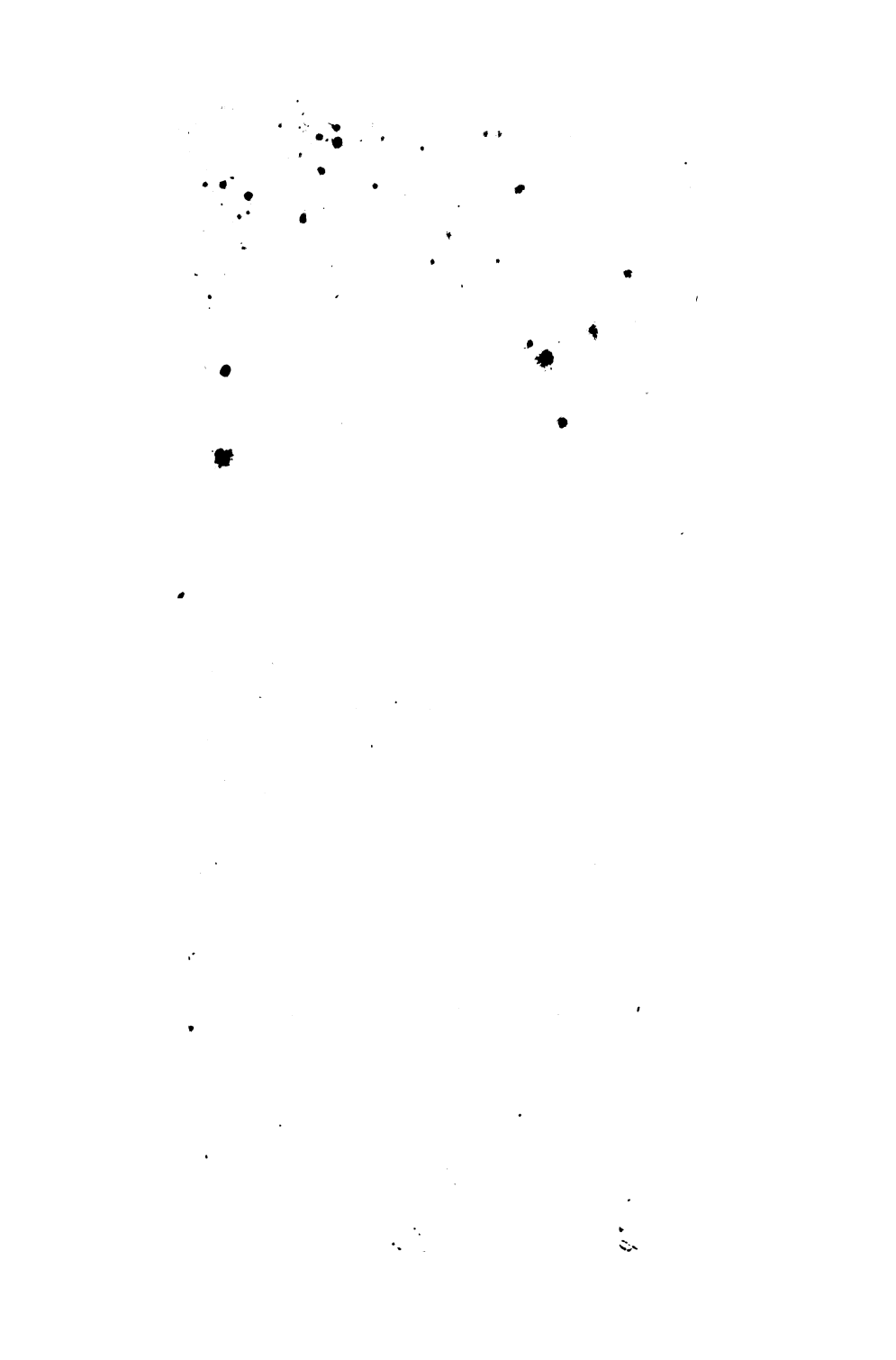


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THE
Black Book of England;

EXHIBITING THE EXISTING

STATE, POLICY, AND ADMINISTRATION

OF THE

UNITED KINGDOM,

ITS EXECUTIVE GOVERNMENT, LEGISLATURE, ESTABLISHED
CHURCH, ELECTORAL REPRESENTATION, COURTS OF LAW,
PUBLIC OFFICES, COLONIES, NATIONAL UNIVERSITIES,
HOUSE OF COMMONS, LONDON CORPORATION, &c.

WITH LISTS OF THE CHIEF RECIPIENTS OF PUBLIC PAY IN

Church and State.

LONDON:

WITCHELL, RED LION COURT, FLEET STREET.

MDCCCXLVII.

226. c. 161.

P R E F A C E.

OUR political manual will come out at a seasonable moment. The General Election will soon place in the hands of the principals the national sovereignty, which has been held in trust, and the People will have to elect a new representative agency for the advancement of the public welfare. At such a juncture, a brief exposition of the more prominent abuses that have survived the action of the Reform Bill cannot fail to be useful, by directing the constituencies in the choice of such representatives as are most likely and competent to consummate the just and expected issues of that great constitutional movement.

Among the unreformed abuses most urgently calling for legislative intervention, are the Laws and Judicial Administration—the Church, as absorbing a vast amount of public revenue, unequally distributed among its ministers, and with-

out commensurate usefulness—the Corporation of London, as a gigantic and barbarous anomaly in the centre of the world's capital—the Universities of Oxford and Cambridge, originally endowed for general instruction and the advancement of science, but whose noble revenues are wasted in a voluptuous sinecurism, in pedantic trivialities, and a vain effort to revive or prolong an obsolete civilization.

Important as the Reform Bill was in its principles, and valuable as it has been in practical benefits, experience has evolved faults in its working that require prompt correction; especially, as shewn under the head of House of Commons, in the ratepaying and residence clauses, and in the hurtful retention of numerous small boroughs, that possess the same share of parliamentary influence as rich and populous counties. The Septennial Act, too, ought to be at once repealed; it would be the most facile and efficient of all parliamentary reforms,—and its continuance is a violation of constitutional usage, and consonant to the practice of no existing representative government.

The constitution of the Cabinet, or Executive Ministry, has obtained a brief notice. The sub-

ject has hitherto escaped attention, but offers more glaring anomalies than the representative branch of the Legislature. Virtually, the Prime Minister is the sovereign of the realm, upon whom has devolved the prerogatives of the Crown, and who, in conjunction with his colleagues, has the conception, legislative initiation, and practical consummation of all great public measures. Yet, with all this variety, responsibility, and gravity of function, the Cabinet, that really reigns, governs, and legislates, has nowhere any constitutional recognition—has no guarantee of official permanence—the omnipotence of Parliament, or the will of the Sovereign, may have called it into existence, and the same behests may at any moment dissolve it. Under such precariousness, it would be vain to expect a firm and consistent course of public policy. The boasted stability of the monarchy becomes a chimera, existing only on the surface; all that is vital and beneath it being in constant flux and uncertainty; so that the Government is, in truth, in a perpetual revolution—in a state of unceasing orgasms or crises, that alternately create and destroy it.

Impressed with these defects in the administration of the Executive, it has been proposed to

give it a determinate period for the exercise of authority, independent both of regal caprice and the uncertainties of parliamentary combinations. It would only be giving that fixity to the Cabinet in its tenure of office which the chief magistracy every where else enjoys, as essential to the discharge of its supreme duties ; and which is conceded to every legislative delegate, and allowed to almost every other and the most humble functionary of the realm, both state and parochial.

The Colonies have afforded an important subject of exposition, from the enormous burden their retention and government impose on the parent State. Still it has been shewn that the acquisition of them forms an inseparable adjunct in the growth of every flourishing empire, as a needful outlet to its increasing wealth and population. At the same time, the old error is exploded ; the independence of matured colonies, like that of individuals, and their future self-government, being held to be identified with the true interests of the mother-country, and most conducive to lasting and beneficial intercourse.

Upon each of these subjects, with many subordinate ones, the endeavour has been to offer leading ideas, and concentrate useful and au-

thentic information. Apart from sanitary reform, and the non-education and destitution of the masses, they form some of the chief questions likely to occupy the attention of the New Parliament. To discuss them, and legislate upon them as their importance demands, will require men of enlarged and liberal minds; and such, it is hoped, will be the predominant composition of the future House of Commons. The spirit of the age is liberal and progressive, and those can only truly represent it who have imbibed its expansive and onward impulse. Of course the Bentinck-Stanley conglomeration, which represents only the pride or selfishness of a class, or mere disappointed partizanship, can have little ascendancy among the national representatives,—not more, we trust, than mere sectarianism. Parliament is not a convocation, nor a conference; its vocation is material and temporal, not spiritual or eternal interests. Why, then, should the pastors of any sect meddle with politics; least of all the Dissenters, who are notoriously men of narrow minds and intolerant conclusions. All such erring guides, we hope, the electors will carefully shun in the choice of representatives; seeing they are guilty of the monstrous inconsistency of denying to others the liberty of con-

science, and the right of private judgment, that they claim for themselves.

In conclusion, we look hopefully forward to the New Parliament, and that about to close bequeaths no unworthy example. Independent in acts, it has been open to conviction; and though not unmindful of general principles, it has not been enslaved by the cold abstractions of science, but listened to the evidence of facts, and the appeals of humanity. No great "stars," however, need be expected to rise; nor, indeed, do the wants of the age urgently require them—only free and temperate discussion, unfettered by bigotry. Except in Churchcraft and Lawcraft, the range of spoliation and imposture was never more confined: even the arts of the demagogue have ceased to mislead, and the blandishments of an empty rhetoric to fascinate; and he would be a bold Minister, who would now seek to make the weal of a nation subservient to personal favouritism, or vain-glorious ambition.

LONDON, *May* 27, 1847.

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THE reforms of constitutional governments are mostly dilatory and inefficient from respect to existing rights and usages. A revolutionary movement, or a despotism, is less scrupulous; and for this reason, if it take a beneficial direction, is more successful in effecting organic changes. This discrepancy of action accounts for the backwardness of England in many needful ameliorations. Our reforms of national grievances have been within the limits of the constitution; everything gained for the people has been battled for, and mostly paid for at its full compensatory price. Ere abuses could be reformed they had to be redeemed, and those who profited by them conciliated by a full appraisalment of their interests. Hence the slow progress of reformation, and hence the existence of the anomalous fact, that our public institutions—civil, ecclesiastical, and educational—do, in the main, present more of the crudities of a past age than

are to be found in the corresponding institutions of any other European community.

A signal instance of this constitutional inertness and inefficiency are afforded by the existing state of English jurisprudence. It is true the Legislature has not been entirely inactive in this direction ; but progress has been marked by similar infirmity of purpose, observable in other ameliorative efforts. Only the side branches have been removed, despite of the evidence afforded of general decay and the need of systematic remedies.

Since the extraordinary speech of Lord Brougham in 1828, public attention has been fixed on the urgency of Law Reform. In consequence of this memorable exposition, several commissions have been appointed to devise measures of legal improvement ; but their powers did not embrace any comprehensive scheme of renovation, and the suggestions they have offered, though often just and salutary, have been tardily and sparingly carried out by the Legislature. That we may not be unjust, we shall briefly recapitulate these tentative efforts at amendment. They will form a suitable introduction to a general description of the existing defects that remain to be grappled with.

In the first place the law of England no longer wears the hateful aspect of being the most cruel of all the modern systems of jurisprudence, with the exception of its not inflicting torture. It now exercises the power of putting to death, even for grave offences, with temperate caution, and exhibits as great abstinence as any one code of the civilized world. For no offence against property only can capital punishment be now inflicted. In all offences against the person, life must be either violently taken or endangered, ere the extreme penalty of the law can be enforced. The law has not only been

made less cruel, but civilized by the abolition of barbarous, and to the age unsuitable punishments, such as the pillory and the whipping of females; and by the rescinding in part the revolting exhibitions and posthumous consequences of high treason. These, no doubt, are great triumphs of modern reason and humanity over ancient, bad, and fatal errors.

So far the criminal law. In the civil, there have been marked improvements in the forms of testamentary disposition, by assimilating the rights of personal to real property. Till lately, it was held that land could not ascend to a father or grandfather; but in failure of direct issue, it must go to a collateral branch, a brother or uncle; and that only the whole, not the half-blood, could inherit. Efforts have also been made to introduce more simple forms in the conveyance of property. Fines and recoveries have been abolished, and a landed proprietor being tenant in tail, has no longer to wait till term time to make himself tenant in fee simple, and dispose of his estate; nor has he any longer to go through the fictitious suit of a fine or a recovery: he can do it at any time by a mere deed, and at such a saving of expense, that many persons, wishing to sell their estates, waited a whole year for the act coming into operation. There have also been changes in the constitution and practice of the Courts, in the law respecting actions, in the law relating to rights, and also the law relating to the evidence by which those rights may be established. Persons reputed infamous are not excluded from giving evidence; it may be taken for as much as it is worth, along with that of interested parties. The rule that so long inconveniently limited the number of judges to twelve—the number of a jury—has been broken through, and they may be now fifteen, or a greater

number; and selected, too, without regard to party connexions. The business of the Superior Courts has been better arranged; that of the Exchequer Court has been made more available, and the monopoly of the sergeants-at-law in the Common Pleas abolished. The time for the commencement of Easter and Trinity Terms has been fixed, and not left dependent on the moon's changes. Even the Court of Chancery has not entirely escaped amendment; those delays which seemed to wrap the unhappy suitor in its endless toils have been reduced to a more moderate compass than they occupied under Lord Eldon and his predecessors. But little has been done to mitigate the enormous abuses of equity; nothing, according to the testimony of the Lord Chancellor himself, to prevent a suit lasting six years, and being ruinous in its expenses; nor to abate the evils of having moveable political judges at its head, and the absurdity of its appellate jurisdiction.

With the exception of a consolidation of the Jury Laws, and a portion of the Criminal Statutes, these constitute an outline of the chief legal reforms effected. The efforts made at improvement during a quarter of a century have been only palliatives of enormous evils, and what these evils are we shall next proceed to set forth in the existing state of jurisprudence.

II.—STATE OF THE STATUTE AND COMMON LAW— PRACTICABILITY OF CODIFICATION.

Almost the only end of society is justice, and the peace and happiness of a community depend more on the existence of its laws than the wisdom of its political rule. If the laws are defective and uncertain in their administration, the pursuit of justice becomes no better

than a game at chance, and courts of law are little superior to pandemoniums for dice and cards. The ends of their institution are perverted; rights are not established, nor wrongs restrained. Law-suits are reduced to lotteries or gambling speculations, and the results of litigation depend less on the integrity of the cause than the *finesse* and dexterity of the managing professional agency.

A principal cause of uncertainty in the laws of England is the crude and confused state in which they have been suffered to continue, despite of repeated appeals on their manifold imperfections. In language they do not represent the literature, nor in principles the science of the age, any more than the writings of Aristotle its natural philosophy. They are not such as the present Legislature would promulgate for the guidance of the people, either in form or spirit, but such as the rudeness of a past age has transmitted. The decayed boroughs of the kingdom, or its decayed municipal corporations, might as fitly have been preserved as its decayed legal institutes. Without order, compression, and arrangement—obscure and contradictory in their judicial enunciations—they are misleading and inaccessible to the community; nor are they much more available to the profession, many of whom are stinted of the requisite information, either from inability to buy or to read the bulky depositories of their erudite lore.

So that the evil is common, pertains both to the legal practitioner and the people. But, strange to say, its very magnitude has been made a pretext for defeating or discouraging efforts at improvement. “We should be very glad,” remark these despondents, “if any practicable remedy could be discovered for these interminable volumes of law; we would gladly pay any price if any

man or body of men, by codification, classification, or digest, would digest the criminal matter from our numerous tomes of statutes at large, and from the far more numerous volumes of Text-Books and Common Law and Nisi-prius Reports; but it is *simply impossible*. No Parliament is equal to the task of taking up and fastening off the countless threads of our present criminal jurisprudence—its maxims, its traditions, its principles, its forms, and substituting for them the code which shall have been thus devised, or any other code whatsoever.”

Now all this is dolorous and disheartening in the extreme, but it is a tone of argument only addressed to men's fears, their effeminacy, and indolence; it is idly looking at difficulties, in place of manfully grappling with them.

In part, what is here described as “*simply impossible*,” has been already done. Many portions of the Criminal Law have been consolidated and explained; not reduced, perhaps, to the best possible shape, either in respect of brevity or intelligibility, but a great improvement has been wrought in their pre-existing condition of confusion and ramification. In this way have the numerous laws relative to forgery been dealt with, and those pertaining to the coin, to malicious mischief, theft, and offences against the person. All these have been consolidated into some half-dozen statutes, though previously scattered through hundreds or thousands. They are fragments of the future edifice prepared and cut out for the builder; it only needs perseverance in workmanship, and the rest of the Common Law might be similarly condensed, and the whole, under the architectural guidance of a judiciously-selected commission, reduced to a uniform and intelligible code.

Far greater difficulties have been surmounted within

the last quarter of a century than are presented by law embarrassments. Some twenty years since, great perplexity and inconvenience existed from diversities in the weights and measures of the kingdom ; there was no uniform standard any where. Every county, and almost every parish differed in its gauges of weight, superficies, and capacity, and also in the material of which they consisted, some being of stone, some of wood, lead, pewter or iron. People could not understand each other in their daily transactions, and their misunderstandings were a fertile source of fraud and strife. But an Act of Parliament remedied all this mischief and confusion. The currency was in a like state of disorder ; there was no measure of exchange ; no secure representative of value. Unauthorized individuals supplied the copper coins of the realm ; the silver coinage was debased ; the gold driven out of the country, and its place supplied by bales of paper money, issued *ad libitum* by hundreds or thousands of private bankers. Legislation has successfully grappled with all this mass of evils, and replaced their crude instrumentality with a solid representative medium, secure, stable, and convenient.

Then there are the late reforms of the Tariff and Custom Laws. What a barbarous waste subsisted here ! It has been reclaimed—successfully reclaimed, to the great joy of the people, and it is likely the good of all nations. The Statutes and Term Reports, Text-Book, old maxims, and usages, certainly do not present a greater accumulation of difficulties ; they are only a paper and print perplexity, and though vast in volume, are not incommensurable. Regardless of the obstructive cavils of Lord Lyndhurst, (who would have arrested the Parliamentary Reform Bill if he could,) and those

who adopt his dilatory pleas, the task only requires a vigorous beginning. In the Statute Book great inroads have already been made, its leaves torn out, and it is the mere ghost of its former self. In the last Session some hundreds of consecrated absurdities were expunged by the Acts abolishing deodands, and respecting the religious disabilities of Catholics, Dissenters, and Jews; against the supremacy of the Pope, and against persons not frequenting their parish church on Sunday. It will be proper, however, to take a more distinct survey of the Statute Book, as well as the other depositories of learning, in which the accumulated lumber of the dark ages is found in such admirable preservation.

It may be useful to explain that the entire body of English law is divided into two kinds—the Common and the Statute Law. The Common Law is founded entirely on custom or precedent, and the judicial decisions of the courts. It is called the Unwritten Law, because it has not been authoritatively recorded, like Acts of Parliament, but has been transmitted in books of reports, traditional maxims, and professional treatises. It must be evident that laws originating and preserved in this manner cannot be otherwise than obscure and contradictory: that they must needs be unsuitable to our time, comprising, as they do, an undigested accumulation of the crudities of every antecedent period of society. Yet the Common Law forms the most operative portion of the law; it is in virtue of the Common Law that the eldest son inherits from his father; that property may be purchased and transferred in writing; that money lent on bond is recoverable by action of debt, and that a breach of the peace is punishable with fine and imprisonment. These are

doctrines not established by statute, but depend for authority on immemorial usage.

The Statute Law consists of the Acts sanctioned by royal authority, concurrently with that of the Parliament. It is not so old as the Common Law, the oldest written statute dating only from Magna Charta. Neither is it so definitely settled and generally understood. Nobody, we believe, not even Chief Justice Denman, pretends to be entirely master of the Statute Law of the realm. This, however, is not solely on account of the voluminous nature of the compilation, but its uselessness. A vast number of statutes have become obsolete, or have been repealed or altered, and no one thinks it worth while to master the entire mass for the sake of the small portion in force. Hence it is only a book for reference, like an Encyclopedia; but its enormous bulk, and the heterogeneous jumble it presents of living and dead laws, as we shall show, constitute the most indefensible of judicial abuses.

Owing to the confused state of the Statute Book, from the absence of an authorised expurgation and digest of its contents, no person can be sure what is law. There are 234 Acts of Parliament, which are inaccurately called obsolete. But in England there cannot be an obsolete statute. A statute may be inapplicable to existing circumstances, as it may apply to a state of things no longer in existence, as that of villainage; but the 234 statutes referred to are applicable to existing circumstances, and may be put in force by any one choosing to take advantage of them. As no statute is void till repealed, the judges would be bound to adjudicate under them; and it would certainly be one mode of forcing on law reform, if the Society for the Amendment of the Law, or any other body, would badger the

Courts with the revival of those suspended enactments. Seven hundred and eighty statutes have expired, and 376 have been repealed, or supposed to have been repealed by implication: but of these it is doubtful whether 142 have been so repealed, or are still in force. No lawyer, therefore, nor any judge, could tell at this moment whether these 142 statutes are or are not the law of the land.

A former Lord Stanhope used to amuse himself with the perplexities of the judges on the state of the Statute Law. Conformably with a motion of his lordship, the judges were directed to frame a bill reducing into one Act all the Acts imposing the punishment of the pillory. At the end of the bill, the judges inserted some observations, stating that pillory was the punishment of some offences not merely by Statute, but at Common Law; and also they could not say "whether there might not be statutes on the subject *which had escaped* their attention." Their surmise was just; for Lord Stanhope found two more statutes which had escaped their research. Here the judges of the land were at fault, and, unable in the book framed by the Legislature for their guidance, to find all the laws inflicting a single punishment.

Lord Thurlow was reputed to be deeply conversant with the Common Law; but he was worsted in a dispute with Lord Stanhope—Lord Stanhope proving to be right, and the veteran jurisconsult wrong. Indignant, apparently, at this defeat, Thurlow remarked, in his coarse way, to Lord Stanhope, "I should be ashamed of myself, if I were not accurately acquainted with the Common Law; but as to your d—d Statute Book, it is impossible to be acquainted with it." The celebrated Dunning never committed himself to a declaration of the

Statute Law. On one occasion, Lord Stanhope consulted him on a statute relative to the Excise, and his answer was, "Now I'll tell you all about it, but I never do answer these general questions when applied to by others. I always tell them, 'show me the statute to which you refer, and I will *expound* it for you, but that is all I can do.'" Dunning was too wary to undertake more; if the statute was produced, he would expound it, as many unlearned persons might, but he was too cautious to go farther, or affirm whether it was the living law, or whether it had been repealed or modified by any subsequent act.

Those who ought to be the interpreters of the law are frequently in as great perplexities as clients and suitors. When a case is brought before the courts different from ordinary routine, it is seldom decided instantane. Counsel open the case—they, in fact, instruct the judges—referring to statutes and precedents, as they have perhaps been instructed by the attorney, who may have been instructed by his employer; the judges will then take time to consider, and, after collating decisions, and threading their way through a labyrinth of Reports and Acts of Parliament, they expound, in the Dunning fashion, the question at issue.

It cannot be otherwise. The English laws are not to be learned by rote, though such is the assumed theory of legislation. There is a little Aldine compilation, in twenty volumes folio, called *Viner's Abridgment*, which it is generally considered necessary for every lawyer almost to know by art. The most condensed edition of the Statutes at Large occupies fifty-two volumes in quarto, seven volumes and a half of which comprise the acts from Magna Charta to the end of the reign of George II., the remaining forty-five volumes being filled

with those of his successors. These are exclusive of three times the number of private Acts, swelling the whole to about 30,000 printed quarto pages.

We have said nothing of *Reports of Cases*. These too form a necessary part of a lawyer's library. The decisions of the Superior Courts become a part of the law; and when a point has been once decided, it must be decided in the same way again, unless the precedent can be proved clearly erroneous. Reports of these decisions are published annually; those pertaining to the Common Law Courts only amount to upwards of 300 volumes. But this is not all; these volumes of judicial legislation are rapidly increasing; every year adds from twelve to fourteen to the previous stock. Some idea of the extent of literary production going on in this line may be formed from the fact, that fifty-nine learned lawyers are occupied in preparing Reports—"in shovelling yearly upon the public," as Lord Brougham expressed it, these volumes of adjudged cases. At the current rate of increase, it is calculated that, within the century, there will be 1000 volumes of Reports, which, with 100 volumes of statutes, will form a barrister's *vade mecum*, that he should not only read and digest, but, if possible, understand.

But if this be simply impossible with the profession, how much more so must it be with the community! Yet it is a settled maxim of jurisprudence, that every state may exact obedience to its laws within the limits of its territory, upon the assumption that the Legislature has made them so clear and accessible to all, that every one must needs be acquainted with them, or be culpably inattentive, if not. The principle is undeniable; for it would be wholly incompatible with civil society to allow either ignorance or negligence to be an excuse for the

violation of the laws. Yet in England the obligation is practically annulled by its impossibility. Who can pretend to be acquainted with the English laws? How can the community in general be assumed to have mastered the legal lumber of 1000 years, when the judges of the land—those whose lives have been devoted to the study—are frequently, as we have seen, reduced to a very pitiable state of uncertainty, contradiction, and embarrassment.

The judicial perplexity under notice is not exclusively inherited from the rudeness and misdoings of a past age, but has been chiefly created through the carelessness of modern law-makers. The old laws of the realm were short and clear enough; it is recent legislation that has wrapt them a cloud of incomprehensible verbosity. From *Magna Charta* to George II. the statutes occupy less than eight volumes; the residue is the lavish efflux of subsequent years. Since the union with Ireland, a large quarto volume has been published every one, two or three years, and the average number of public Acts passed during the last forty years has been 150. It is these later doings, with the multiplicity and copiousness of the Term Reports, that have overloaded and embarrassed the bar, the bench, and the people.

The infliction has been gratuitous, one of legislative negligence, chiefly arising from the reckless facility with which Parliament has multiplied laws on a given subject, when a general enactment might have been framed to meet the several occasions. It is this which has multiplied Acts beyond number, for the enclosure of commons, for local improvements, for the regulation of the poor, or the public revenue, trade, and manufactures, when a single Act, or no Act at all, would have been the most advisable course. Besides the number of needless Acts, other causes of the bulk and confusion of the

Statute Book arise from the immense number repealed and re-enacted, and then partly repealed again, with a "so far as" and "so forth;" also from the mass of altering, amending, and explaining Acts; of acts, for instance, "for removing doubts," for "rectifying mistakes," for "relieving from the provisions," for "deferring the commencement," for "facilitating the execution,"—to say nothing of Acts for total repeal. No fewer than 1874 Acts were repealed in the reigns of George II. and III., but a far greater number enacted; which made Lord Stanhope say, that they had been "passing bills by wagon-loads, and repealing them by cart-loads." In six years of George IV.'s reign, from the fourth to the tenth, there were 1126 Acts wholly, and 443 partly repealed.

The language of statutes is as objectionable as the see-saw legislation of partly repealing and re-enacting them, "so far" "and so forth." No good reason is apparent why the verbal expression of a law should not be generally intelligible; it is not a metaphysical proposition but a positive fact, describing, enjoining, or restraining. Why, then; so much obscurity? In Acts of Parliament this worse than Egyptian darkness seems chiefly to arise from a perverse deviation from the ordinary language of civil life, a needless diffusion, and endless repetition of "he, she, it, and they," of the "aforesaid," "so far as," the "so forth" and other vague and repetitious nomenclature of the statute makers. Examples of this perversity are too ready at hand to require illustration. The Act for the Regulation of Joint-Stock Companies (7 and 8 Vict. c. 110) is a recent and familiar instance; and whether the 26th section applies to railways and other public works requiring an Act of Parliament for their construction, has put in requisition the intire subtlety and logic of the Court of Exchequer and Queen's Bench,

taxing them to the utmost to extract from this clumsily worded statute a positive negative or affirmative conclusion.

Notwithstanding the laborious and tiresome precision of statutes, they frequently comprise egregious blunders. The 53rd Geo. III. is an example; by the 18th section, one-half the penalty is to go to the king, and the other half to the informer; but the penalty happened in this case not to be a fine, but a punishment of fourteen years transportation that was to be halved! The Act for Consolidating the Forgery Laws was a very elaborate statute, but comprised the blunder of including Scotland in the 2nd clause and excluding it in the 29th. The Act fixing the Commencement of Easter and Trinity Terms contained a ludicrous error, originating, apparently, in the ignorance of the framer of the moon's changes, and which, if it had not been discovered and corrected by an amending statute, would have thrown the Courts into utter darkness and confusion.

One cause of this blundering legislation may be found in the vicious mode of transacting business in the House of Commons. It is well-known that law-making is a kind of after-dinner amusement, chiefly indulged in after gentlemen have taken their wine, and becomes most intense when the theatres have closed, and the night-houses are thrown open for the reception of visitors. It cannot be matter of surprise, if, under such unfavourable influences, the nocturnal occupations of Parliament exhibit strange examples of forgetfulness, haste, and disorder. It is matter of astonishment indeed, that things are not worse, when one reflects on the course of proceedings,—the little division of labour, or exclusive devotion to special branches of legislation—that all is chance-medley, hurry, and amateur exertion; the chief manager of the revels straining every nerve

to get through public business ere the game season begins, or manœuvring to avoid an economical proposition for a reduction in the estimates, or to pack a house for a job or unpopular extravagance; jaded ministers dropping in late from their offices or a protracted cabinet council; country gentlemen from a tedious morning's waiting at the Treasury for places and appointments; lawyers from the Courts, committees, and chamber consultations; and the sons of riot reeling in at midnight from the saloons, supper-rooms, and club-houses. In this way are the instruments of legislation congregated—a house formed—and the most complex and momentous business of the nation consummated. It has the striking results we have attempted to describe—laws thrown off in the mass, Acts heaped upon Acts—unintelligible even to the official interpreters, making a rich harvest for lawyers, but raining snares and poverty among the people.

It is not, we repeat, the past but the present generation that has mainly done the mischief, by the inaptness of existing law language and legislative apparatus. Every year Parliament adds two thick quarto parts to the statutes, and these quartos consist of laws so crudely and hastily compiled that twenty or thirty decisions become necessary on every Act before its meaning is settled. Thus the two quartos give birth to some dozen more; creating an addition of letter-press in one year exceeding that of all the Acts from king John to the Georges. Upon this principle of generation there could be no end in codification; for what is gained by an effective effort at legislative simplicity and compression is more than counterbalanced by the increasing bulk and complexity of judicial constructions. It has thus happened that most attempts to simplify and consolidate the law have only had the effect of doubling professional labour: rendering

a study of the new necessary to meet the general run of cases ; and next, a study of the old to meet the exceptions.

The cardinal defect is crude and hasty legislation in a barbarous formula. Mend the language, the vehicle of law. When this has been done, then codify. But till this has been done, the danger is of being lost in a wider field, of launching from the stream into the ocean of judge interpretations.

The *Code Napoleon* is sometimes referred to as a failure ; but it has been no failure. In place of the previously differing laws of the provinces of the ancient kingdom it has substituted a consistent uniform code for the entire of France. But it is urged, that it has been buried under a load of commentaries. Of course there has risen a pile of judicial constructions, as must be the case with the text of every code. But these constructions have a platform to rest upon, framed in the light of modern science. Ours are wholly different ; they have no such foundation to settle upon ; they rest upon a mingled heap of rubbish and masonry, of obsolete laws and laws in force. Even the basement story has not been firmly laid, as in France. This, however, it is that the nation requires to have done ; it requires an entirely new legal edifice to be erected. All that is good in the past it would have preserved under a new and better arrangement ; and then the mass of statutes, reports, and text-books from which the analysis had been made, and which had long embarrassed both the learned and unlearned — declared by parliamentary authority to be no better than waste paper—null and void, and no more citable for any purpose of legal argument, illustration, or decision. By this last and indispensable precaution, we should escape a fatal error into which France has fallen in legal reform, and by which the public benefits of her immortal Code

have been partly sought to be neutralized. The French bar, as ours would do, unless prohibited for obvious motives, still preferring to a simple and scientific body of law, to perplex and impede justice by interminable dilations on and reference to the old *Pays de Coutume*, reports and provincial law books.

In this way only could law reform be made effective, and society be relieved of that mass of letter-press which is almost as expensively oppressive as the National Debt. It would be a great change, but a wholesome one, and one in which the difficulties have been greatly exaggerated. There are, it is said, fifteen definitions of "theft." But there is only one that is just, and which that is, it could hardly be difficult for three clever persons to define. It was one of the objections of Lord Lyndhurst* that the Criminal Law Commissioners had erred in defining "conspiracy." Like theft, it has many descriptions, but has only a single true one, and this is precisely what the community seeks to have settled by competent authority. Chief Justice Denman, on the same occasion, held that a digest of the written law might be feasible, but doubted the practicability of so dealing with the unwritten law. In this, we apprehend, his lordship has been misled by some erroneous associations. There is, in truth, no essential difference between the written and unwritten law of England. It is all *written* law, all in letter-press,—parliamentary, judicial, and traditionary laws, are all in books—are referred to in books—would, if digested, be taken from books—and, probably, nearly the same aliquot proportions of each would be found in force and obsolete. It is a distinction made by law writers, but has lost its discriminative character, from

* House of Lords, May 13, 1844.

the mass of the statutes having ceased to have more validity than the mass of Reports.

III.—DEFECTS AND ABUSES OF THE CRIMINAL LAW.

It is a great reproach to England, that it remains the only country in Europe without a written criminal code. Our criminal law and the rules of its administration are comprised partly in the statutes, and partly they consist of traditional maxims, usages, and forms of procedure. Nowhere have the people access to a simple and authorized guide intelligibly explaining to them criminal actions and their punishments, and setting forth distinctly the steps for the attainment of justice. The statutes which comprise the written portion of the law are unavailable for popular use. Here the judges of the land are often at fault, and are not merely unable to interpret the law to the people, but to say whether it is law at all or not. For instance, a statute of Edward VI. forbids servants in husbandry to be hired by the day, or for a less term than a year. By a statute of Philip and Mary no peasant is to sell goods in a town, except in a fair. A statute of Henry VII. enacts that no cattle shall be killed in a walled town, nor in Cambridge. Another statute provides, under severe penalties, that no shoemaker shall be a tanner, nor a tanner a shoemaker. Whether these statutes are in force nobody can tell, but they are in the statute-book; and were any one to prosecute under them, the judges would be bound to take notice of them.

There are masses of statutes, of comparatively recent enactment, respecting which it would be difficult to say whether they are entirely in force, or what portions of them have expired or been repealed. Of this description is a group of acts, passed in the reign of George III., for the restraint and punishment of political offences.

Some of these acts are directed against corresponding societies, and against societies having for their object the subdivision of the land and funded property of the kingdom ; others are directed against the administration of unlawful oaths, the seduction of the military or naval forces ; against training to arms and military exercises ; against seditious meetings and assemblies, and against persons delivering or holding any debate in unlicensed places. Under these statutes cases have been brought before the judges, as that of *King v. Marks*, in which they were in the greatest perplexity to decide whether the statute embraced them or not. While in another case, that of the Dorchester labourers, who had been wholly unconscious of offence in what they did, in taking the oath of a trade-union, the judge trying them, who was remarkable for legal subtlety, was only enabled to obtain their conviction by a strained, and as some thought, doubtful construction in unity, of two or three obscure and equivocal enactments. It is quite intolerable that men—poor and illiterate men too—should have to live and move among such hidden pitfalls. An attempt was made last session to obtain the repeal, or a more intelligible consolidation, of these political mantraps ; but all the concession obtained was, an Act limiting their enforcement to the *law officers of the crown* !

The laws relative to Marriage present strange anomalies, and throw the people into no little difficulty. If a stranger were to come to reside in a country, and were told that parties might be living in it, and no lawyer could tell them whether they were married or not, and whether their children were bastards or not, nor whether they could or not succeed to their fathers' estates, he would say that it was a very barbarous country. That, however, is the case in England. It is the opinion of many, relying on the interdiction of the canon law,

that first cousins may marry, but second cousins may not; though the truth is, that both degrees of affinity may intermarry. There are thousands who think it lawful to marry the wife's sister—it is almost of daily occurrence in Birmingham and Manchester—yet such marriages are undoubtedly null and void by the statute, and the issue of them illegitimate. The marriage of persons under age by license, without consent of parents, is unlawful; but minors, without consent of parents, may be married by bans. This distinction was not made for the benefit of the poor, but the rich; it was made to prevent the needy man from entrapping the rich heiress, and the cunning woman from entrapping the rich heir. But the precaution is futile and foolish. It can easily be evaded by parties desiring it; either they may go to such a place as Birmingham, where 400 or 500 bans are proclaimed in a morning, and there marry without any one being the wiser; or if they are afraid or too impatient for that, they may go by railroad to Scotland, marry there in a minute, and come back again. But on the validity of these Gretna Green marriages there is a conflict of opinions between the Scotch and English judges, one saying one thing, and one another. There is an uncertainty whether a marriage in Ireland or the colonies, or in any place where it might be impossible to find an English clergyman, is lawful or not. Again, if a man go abroad, the judges here say, a divorce abroad cannot dissolve an English marriage; but a marriage abroad, if made according to the laws of the country, is valid; so are all marriages solemnised abroad by an English clergyman, even those between foreigners; for the statute makes no exception. But enough on this topic. Such inconsistencies and uncertainties pertaining to the most important act of civil life, are disgraceful to a Christian and civilised community.

The mass of maudlin and inconsistent legislation that has become part of the written law of the country in respect of Cruelty to Animals, is astonishing. The use of dog-carts is prohibited within the limits of the metropolis, lest the feet of the animals should be blistered, though no such legislative tenderness is shown for dogs similarly used in other parts of the kingdom. To maim or maliciously wound cattle (horses, asses, and pigs included) subjects to transportation for fifteen years; or cruelly ill-treating them, or any domestic animal, as a dog or a cat, subjects to penalties. Cattle impounded must be fed; penalty 5s. per day for neglect. Old or diseased horses, sold to knackers for slaughter, in mercy to them, are not allowed to be re-sold for labour; they are required by statute to be killed within three days, and in the interim they must be *fed*, and not suffered to starve, under penalty of 40s. It is not the spirit of the legislation which is reprehensible—humanity to the brute creation may be laudably enforced—but its indefensible inconsistencies. Why all this tenderness for irrational animals? Why so much anxiety lest the impounded beast, or horse doomed to the kennel, should suffer the pangs of hunger—and so little for unprotected or destitute human beings? Contrast the tenor of these laws with the relentless efforts made to extinguish pauperism—to reduce the poor-assessment to a minimum—to discourage, by the cruel and ignominious treatment of applicants all applications for relief. No anxiety has been evinced to *feed* them, or shield them from hardship, but the reverse—to devise severe and humiliating conditions of existence. Nor has there been a less marked want of sympathy in another direction. Against short time bills, Parliament has evinced a steady hostility; nor has it taken any steps to protect the unfortunate needlewomen of the metropolis, nor the other masses of unshel-

tered and suffering victims of our over-peopled towns. Legislation for these is resisted, lest it might obstruct the accumulation of capital, or become too individually intrusive; but it would be inimical to no wholesome increase of national riches, and certainly it would not be more intrusive than the laws just adverted to.

The administration of the law often presents not less anomalies than the law itself. Ostensibly criminal prosecutions are carried on at the suit of the crown; every offence is an offence against the public, and the sovereign, representing the public, is properly made the general prosecutor. Practice, however, only partly accords with this theory of criminal procedure. Private individuals are often put to great expense and inconvenience in the pursuit of criminal justice. They have first to appear before the committing magistrate, next before the grand jury, and then before the petty jury at the sessions or assize; all which attendances impose a loss of time and money. Rather than incur them, offenders frequently escape. This failure of justice occurs from the want of a public prosecutor, which judicial officer might assist and direct—if he did not render wholly unnecessary individual sacrifices for a public object, that of restraining and punishing crime.

Then what satisfaction or encouragement has a private person in bringing a thief or swindler before the magistrate? Is he commended or assisted in any shape for so useful an act? Where he might reasonably expect a friend, he meets an opponent. Almost the first thing he hears, is the magistrate cautioning the accused against saying anything that may *criminate himself*, or that may be used against him on his trial. For this caution there seems little need, it not being the usual practice for men to accuse themselves, or confess facts to their disadvantage. At all events, the prisoner

might be left to his discretion ; if conscious of guilt, and that the proofs are conclusive against him, it is not easy to see how the ends of justice would be compromised by dispensing with a superfluous inquiry, and allowing the prisoner at once to admit the truth of the charge. But the case may be a plain one, not requiring the corroborative testimony of the accused ; then follows the binding over to prosecute. Witnesses, who have been the casual spectators of an offence, are bound over ; or, if unable to give security to appear at the trial, are sometimes sent to prison with the accused ; contingencies which make many people reluctant lookers-on violations of the law, or to admit that they can give evidence to elucidate them.

Another discouragement of criminal prosecutions is the obligation to appear before the grand jury. The institution might have been salutary in its origin ; it might have been a humane safeguard of the innocent when the judges only made their circuits at distant and uncertain intervals, to have a respectable inquest assembled at shorter periods to make a preliminary inquiry whether sufficient evidence existed for keeping the accused in confinement, or for sending them to trial. It was a merciful precaution against long and unjust incarceration ; but now that the grand and petty juries sit simultaneously, no such purpose is answered. The hardship of imprisonment before trial is not abridged, only judicial process impeded, and it may be perverted. Composed as grand juries are of non-professional persons, unaccustomed to examine witnesses and weigh evidence, they appear a less competent tribunal than the committing magistrate for deciding on the fitness of sending the accused for trial.

Like other judicial usages the grand jury system has been retained after its utility has ceased. It is ana-

logous to another old custom of asking a prisoner, "*How he will be tried?*" A very proper question to put in times past, when there were, perhaps, half a dozen different modes of trial—when the accused might make his choice to be tried by the ordeal of fire or water—by wager of battle, or his *corshed*; but it is now an idle and irrelevant mockery. A person has no option about his mode of trial; he is either summarily convicted by the magistrate, or sent before a jury.

The question is not less preposterous in the next charge, when the prisoner is ineptly asked, "*Guilty, or not guilty?*" "*Not guilty,*" of course, is the usual rejoinder. How could a person be expected to answer otherwise? But prisoners do sometimes plead guilty; then the judge kindly interferes, exerting his most persuasive eloquence to induce the prisoner to retract his plea and plead not guilty. So that the prisoner has little more than Hobson's choice after all; he must plead not guilty, or his plea will be very reluctantly received. But why ask him the question? If not guilty, why is he standing at the bar?—why has he been apprehended, examined, and committed to gaol, and kept a month or six months in prison? Is not this evidence enough without appealing either to the affirmative or negative of the accused; especially as only one answer will be received to the meaningless interrogatory? It is only after this nonsensical interlude has been enacted by judge, counsel, and accused, that the real business of the trial is allowed to begin.

Beside these preliminary and inapplicable futilities of the trial there are objectionable partialities and unfairness in the general administration of criminal jurisprudence. *Magna Charta* says, that justice shall neither be denied, sold, nor delayed. But it often is shamefully delayed both

in civil and criminal suits, chiefly from the unequal distribution of business in the courts of law—the consumption of the time of the judges in matters either irrelevant or derogatory to their more important functions—the monopoly of practice by individuals and classes of practitioners—the retention of the useless and antiquated forms just described—the confusion, obscurity, and inconsistencies of the laws themselves—and, in short, from the entire fabric of judicial administration being unsuitable and inadequate to the demands of the age, and adapted only to a state of society wholly different from the present. To point out all the absurdities of our legal system we shall make no attempt, and shall only briefly characterise a few of the more startling incongruities.

If, for example, twelve judges were necessary to administer justice centuries ago, why not double the number at present? Consider the increase in population, commerce, and opulence; consider, too, the increase of lawyers, attornies, suitors, and criminals; and why not a corresponding increase in the number of judicial oracles to listen to the augmented host?

If circuits have been gradually altered from septennial to annual, and from annual to twice in a year, and three times in the Home Circuit, why not go on? Why not have gaol deliveries as frequently in the country as in London? Why should a man, for the same offence, be confined for six months before trial in Yorkshire, and only two or three weeks in Middlesex? Are we never to have uniformity in justice? Are the claims of common sense to be for ever stifled by the logic of lawyers, and the subterfuges of custom, antiquity, and local usage? The progress of society, and the augmented celerity of its movements, require this

assimilation, and more frequent commissions of *oyer and terminer*.

If it be necessary to have circuits to administer Common Law, why not Equity? Why should there be distributive justice in one branch, and a centralized monopoly in the other? Or again, if the Lord Chief Justice requires assistant judges on the bench, why not the Lord Chancellor similar aid; especially as the latter, in addition to his judicial, has a large amount of political and ecclesiastical duties, to divide and distract his attention? This alteration appears more reasonable, because no suit in Chancery can be commenced for a less amount than one hundred pounds; but in the Queen's Bench they may be commenced for sixpence. In some of the States of North America the Equity Courts are ambulatory, as well as those of Common Law; and there does not appear any valid reason why the precedent may not be copied.

Why should justices of peace, whose justice is not in high repute for infallibility, have such great power in disposing of the *person*, and none over *property*? Are they less competent to adjudicate on a few pounds debt, a trespass, a libel, or other minor civil wrong of the rich than those much graver ones of the poor, and which may involve the latter in transportation from their country, wives, and children?

Lastly, if the evidence of a Gentoo, a Jew, or a Turk, be admissible in judicial administration, why should the judges allow justice to be sometimes denied, and often defeated, by rejecting the testimony of an Englishman, who happens not to believe in the divine authority of the Holy Scriptures, but who is assuredly as good a Christian as the above named infidels. Justice may be fatally frustrated by this inconsistent

judicial exception ; for a witness has only to announce himself as an unbeliever, and he is thereby disqualified and excused from giving evidence against any, even the most atrocious criminal.

IV.—FEES OF COURTS OF JUSTICE, LEGAL SINECURES AND COMPENSATIONS.

Contrary to what is often represented, a cheap and prompt administration of justice tends most to discourage lawsuits. It is the uncertainties of the law, its interminable delays, and technical subtleties, which most contribute to flatter the hopes and excite the cupidity of a litigious spirit, since it is on their subtrefuges and contingencies that the knavish, sanguine, contentious chiefly rely to defeat or distress an opponent. But a simple and ready judicial decision cuts off these resources of the artful and unprincipled ; it leaves them only a good cause to depend upon. Hence the contrast afforded by the higher and lesser tribunals. Our Police Courts, and others of summary jurisdiction, are remarkable for simplicity of process. Legal craft and disputation are almost excluded, and causes are promptly decided according to the statute, or their merits. If the suit is weak or foolish, it is speedily ascertained, and made to appear so, and the prosecutor shares in the ridicule and obloquy of his cause. Hence men do not needlessly come before such tribunals ; seldom without compulsion or a valid complaint. But in the Superior Courts an entirely different practice and strategy prevail. Here defects in the laws shelter the weakest and worst causes. It is not a struggle for justice—men hardly seek for that, or hope for it, it is too much of a lottery ; and the issue is relied upon less on the merits than on legal delay, expense, and chicanery—on the command of money to pay Court fees, attornies, and counsel.

The exaction of fees in Courts of Law forms a most reprehensible obstruction to justice. The system of taxing suitors has only existed three or four centuries, but now it is universal in all the Courts throughout the kingdom. No step can be taken in any judicial proceeding without the payment of fees; no suitor can resort to any Court of Law or Equity, to any Criminal Court, Court of Quarter Session, Police Court, or magistrate, without encountering this species of taxation. The practice, however, is wholly indefensible, and opposed to every principle of justice. It is monstrous that a man who has the misfortune to be involved in litigation in the Superior Courts, which, from their cumbrous and intricate forms are sufficiently costly, should be taxed enormously in addition for the expense of that administration of justice which is for the general benefit of the community. The settlement of wrongs constitutes the most essential business of the State, and the State ought to defray the expense of it.

It is not only the general principle which is objectionable, but the oppressive amount of judicial exaction, the vast number of persons who share in its proceeds, and the irresponsible character of their imposts. Notwithstanding the attempts made to get rid of the system of payment by fees, there are no less than from 300 to 400 persons in the Courts of Law and Equity who derive their official emoluments from this source.* In the Court of Chancery only, the number of fee-collectors is 100, who collect fees to the amount of 153,554*l.* annually. There is no check upon them but an oath and their own honour. In the Common Law Courts matters are still worse; there, too, the fee-takers are 100 in number; they collect yearly 150,000*l.* without any check at all, not even that of an oath. They

* Mr. Watson, House of Commons, May 7, 1846.

take all the fees that are brought to them, and return what they please; but it is certain that 300,000*l.* a-year is levied upon the public in this shape; how much more, there is no means of ascertaining. This sum is exclusive of 290,000*l.* a-year paid out of the consolidated fund towards defraying the expenses of Courts of Justice; making the total cost of the judicial establishment of this county upwards of 600,000*l.*

Under the system of fees, vast sums have been paid to persons who hold the great Legal Sinécures. The fees were too precious to be thrown away gratuitously, and very lavish compensatory grants have been awarded to the recipients for the loss of them. In this way the law reforms that have been attempted have made heavy progress, and the public has gained little by them; for the most part they have only been a transmutation of burden. A large salary from fees has only been got rid of by commuting it into an equivalent fixed sum, payable from out of the public revenue or other fund; or if the office were reduced, an equivalent pension or superannuation allowance was granted till the displaced official could be otherwise provided for. Even the loss of patronage has been carefully appraised, and if any portion was taken away, the privation was compensated by an increase in the amount of the retiring pension, as was the case on the reform, as it has been called, of the office of the Lord Chancellor.

But it is in the grant of compensation that there has been the most jobbing and profusion. Thus, when the monstrous sinécures of Patentee of Bankrupts, and Clerk of the Hanaper, held by the Rev. Thomas Thurlow, and yielding 11,000*l.* a-year, were abolished, the reverend sinécurist was compensated during his natural life by an equivalent annuity, payable out of bankrupt

estates. Lord Ellenborough is in the receipt of 7,700*l.* pension, as late Chief Clerk in the Court of Queen's Bench, a sinecure given to him by his father; he is also *Custos Brevium* in the same court, jointly with Lord Kenyon, sharing with the noble lord 2,338*l.* 19*s.* 8*d.* per annum. There is also a Hon. Thomas Kenyon besides, as late Filacer of the Court, who receives a pension of 5,946*l.* a-year; another, as late Clerk of the Papers, nets 1,551*l.* per annum. The Courts of Exchequer and Common Pleas offer examples of corresponding inordinate compensations granted on the abolition of offices with only nominal or no duties attached to them. But the most felicitous illustration of a bad system will be afforded by the most recent settlement in those pseudojudicial reforms.

The statute 5 and 6 Vict., cap. 103, known as the "Six Clerks' Act," abolished the offices of Clerk of the Enrolments, Comptroller of the Compter, Six Clerks, Sworn Clerks, and Waiting Clerks in the Court of Chancery, and provided that compensation should be given to the holders of these offices. The offices were old, but useless; in fact, they were a nuisance, the chief duties of those filling them consisting in exacting fees from suitors. The six clerks, who had nothing to do, had side clerks or sworn clerks to help them, but who merely enjoyed a monopoly of the business in Chancery, by which some of them cleared from 5,000*l.* to 6,000*l.* a year. Mr. Pemberton Leigh stated, in 1840, that the duties of these clerks consisted merely in signing their names on the record, and in receiving and transmitting to the solicitors all notices given in the course of a suit. A solicitor, who was examined before Lord Eldon's Commission in 1824, stated that the sworn clerks only increased the expense of suits, without

rendering any assistance to solicitors; and he added, alluding to one of the clerks, "Mr. S. was a good clerk, even when he was a *lunatic*." The office of the lunatic clerk was sold for him (the offices being saleable), and the market price 120,000*l*.

On the abolition of offices of so little public benefit, it is difficult to conceive upon what principle such enormous compensations were granted. Yet four of these clerks are now enjoying among them, as compensation, about 30,000*l*. a year. The order for compensating the officers was made in November, 1843, and excited the greatest astonishment. One gentleman received as compensation for the deprival of his office, an office in which neither skill, education, nor labour was requisite, no less than 5,434*l*. a year, and he was besides appointed a taxing-master, for which he received 2,000*l*. a year; so that, for sitting in Chancery Lane five hours a day, he received 7,434*l*. annually, and might retire when he liked with his compensation of 5,434*l*. Another person, who was merely an agent to a sworn clerk and who in his application to the Lord Chancellor described himself as neither able to write nor to walk was awarded 472*l*. a year for life. Another agent got 1,778*l*. a year; and a waiting clerk obtained a compensation of 344*l*. a year. The salaries of the new offices created under the Act amounted to 37,707*l*., and the compensations and profits to 44,793*l*., making a total of 76,000*l*., no great difference of charge on the heavily-taxed and patience-worn suitors in Equity. The following are the items, omitting shillings and pence:—

SALARIES, &c. under 5 and 6 Vict. c. 103:

Six Taxing Masters	£12,000
Six Clerks to ditto	1,500
Clerk of Enrolments	1,200

SALARIES, &c. under 5 and 6 Vict. c. 103—*Continued*:

Three Clerks to Clerk of Enrolments	£750
Four Clerks of Records	4,800
Twelve Clerks to ditto	3,000
Copy Money for writing and copying in the office of the Taxing Masters, Clerk of Enrolments, and Clerks of Records .	6,111
Rent of Taxing Master's offices . . .	800
Expenses of Taxing Masters, Enrolment, and Record and Writ Clerks, for sta- tionery, coals, candles, servants' wages, insurance, rates and taxes, and for furniture, builders, and surveyor for alterations	1,545

COMPENSATION for Loss of Offices and Profits under 5 and
6 Vict. c. 103:

Five Six Clerks	£7,203
Twenty-two Sworn Clerks	30,209
One Waiting Clerk	109
Five Agents to Sworn Clerks	1,431
Three Clerks of Enrolments	1,228
Two Deputy Clerks of Enrolments, De- puty Record Keeper, and Agent to Sworn Clerk	2,285
Proportion to deceased Deputy Record Keeper and Agent	99
Secretary of Decrees and Injunctions .	49
Receiver of the Sixpenny Writ Duty .	68
Bag Bearer	42
Chaff Wax	19
Sealer	17
Clerk in the Public Office	300
Ten Masters' Junior Clerks (under the above Act)	1,716
Messenger	12

A joyful morning it must have been in Chancery
and when this memorable Act had passed, granting
compensation to everybody. But the way in which the

Bill was framed and passed form not the least interesting portion of its history. The Bill was prepared by one of the parties that has got the largest or next to the largest of these compensations; and a return has been made of the money paid him for cab fares in going and returning from the parliament house to Chancery Lane, during the progress of the Bill. For even the expense of these progresses were charged on the unhappy suitors in Chancery by Mr. Wainewright.* No time, however, was lost in forcing through the bill. It was passed, as the phrase is, with railroad rapidity. It was brought down from the Lords July 29th, and read a first time; and on the 1st of August it was read a second time; it was committed on the 2nd of August, and re-committed on the 4th—these two stages being taken after midnight; on the 5th of August it was read a third time; and on the 10th of August the Speaker reported the royal assent to it. The 11th was doubtless a day of rest, or of jubilee to commemorate this notable victory over the guardians of the public purse, whose vigilance appears to have been at fault, and taken advantage of pending the heat of the Dog-days, and amidst the prospective seductions of the travelling and sporting season.

One or two more incidents deserve notice in the perpetration of this job of jobs. The usual course in granting compensation is to take the average income of ten years. But in this case three years only were taken. And why? The fact is, that, shortly before the passing of

* The expenses returned and allowed on the preparation of the "Six Clerks' Act," and charged on the Suitors' Fee Fund, are as under:—"To William Plunkett, Esq., of Lincoln's Inn, for drawing and preparing the bill, 300 guineas. To Mr. Plunkett's clerk, 15 guineas. To Mr. Wainewright for law stationery, messengers coach hire, &c., 9 guineas.

the "Six Clerks' Act," the Equity side of the Court of Exchequer had been abolished, and the whole of its business transferred to the Court of Chancery. Consequently, these Equity practitioners had their compensations calculated on the three years which would show the greatest amount of business done; whereas, had the usual term of ten years been taken, their average gains would have appeared less. The reference too was contrary to usage; it is usual to refer the settlement of compensations to the Treasury, who select competent gentlemen for the purpose; but in this case the Lord Chancellor was made the taxing officer, who, it is likely, was not familiar with the details of the transaction; or might be objectionable on the score of the pressure of other business, or sympathy with Chancery abuses. It is due, however, to Lord Cottenham to observe, that he awarded the minimum compensations prescribed to him by the Act, and that to some of its clauses, as appears from his correspondence with Mr. Wainewright, he gave only a silent, not an audible acquiescence.

The most startling peculiarity of this extraordinary Bill still remains. It might have been thought that the granting these ample allowances during the natural lives of the compensationists would have been sufficient. But it was not; they are to receive them seven years longer: yes, the annuities are posthumous, and payable seven years after death. It is analogous to the custom of those ancient or Indian nations, who, when they entomb their relatives, take care to enclose with them a good store of provisions, so that if they awake in their graves they may have something to turn to. With similar forethought, apparently, have Messrs. Wainewright, Gatty, Horne, Baines, Papps, &c., been provided for. The precedent, however, is neither of

ancient nor of Indian usage; it is derived nearer home, and of recent adoption. The abolished offices were saleable; they might be sold by the holders, or after death by their executors; hence it was held that the interest subsisted for one life, or seven years, after their decease, and it ought to be paid for. Thus was the monstrous abuse of selling offices in Courts of Justice made the pretext for another abuse, in awarding the rate of compensation on its abatement!

Individually no particular blame may be imputable to the parties who profited by these extraordinary doings. Under a bad system, they only did what a bad system tolerated, and did the best possible for themselves.

But the principle on which compensations are awarded appears fundamentally unsound. The legal sinecures were abuses; they were a hinderance to justice; and why should their removal be paid for? It is said, public reforms ought not to be made at the expense of individuals, but the public. But the price of these law reforms is not paid for by the public, but only a portion of the public—the suitors for justice? The purchase-money is taken from the suitors' fee fund. If the principle, however, be good, it ought to be carried out fully, not partially. Public reforms have been often introduced under the sanction of public authority, and no compensation allowed for the loss they entailed on individuals. The opening of the beer-trade was an important benefit, conferred by Act of Parliament, but the great brewers received no equivalent for the loss of their monopoly. Parliament, every session, passes shoals of Acts for constructing of railways, many of which inflict serious losses on the owners of turnpike tolls, road-side hotels, and stage-coach property, but no thought of compensating the sufferers is entertained. The London

Police was a public benefit, it displaced the old parish constables, and abridged, perhaps, the gains of thieves and pickpockets, but they have received no compensation. Many new discoveries and inventions confer great public benefits; they abridge labour and cheapen commodities; the public gains immensely by their introduction, but individuals and whole classes are often ruined by them. For the different treatment of such sufferers, and sufferers by law reform, the most obvious reason appears to be the different position of the parties claiming indemnity. Law reforms are usually made by, or in concert with, lawyers, and if they tend to detriment the professional interest, they are present to advocate and obtain compensation. But the other interests of society have not like organs of utterance; and, if damaged by public improvement, are left to bear the loss, from not being so efficiently represented in Parliament.

V.—THE BAR, ITS ETHICS, FEES, AND ARROGANCE.

The laws are not the consistent promulgation of a single and unimpeachable authority, but the undigested accumulation of time, accidents and circumstances. They are a mystery or craft, not a science; an empirical assemblage of technicalities, quaint expressions, and usages. In the judicial administration of them, and in forensic practice, there are observable less assimilation to modern life than in any other of the learned occupations. The clergy have conformed in a greater degree, so have the medical profession; but the Bench and the Bar continue startling anomalies, with eccentricities, pretensions, and immunities far beyond those indulged in, or claimed by any other privileged class of the community.

There are often both power and profit in mysterious or exclusive pretensions, in claiming exemptions from the ordinary rules of life, from common tests, scrutiny, and responsibility. The Bar participates largely in these immunities: it assumes to be the sole interpreter of its own rights and privileges, and has succeeded in establishing some, both ethical and pecuniary, which, though gainful and convenient to its members, are very unfair to the rest of society, and disparaging, in our estimate, to its own reputation.

We will cite an illustration. An advocate is privileged to enforce any thing in defence communicated to him in his professional capacity, if pertinent to the matter in issue, and is not bound to examine whether it be true or false. This may be conceded, he receives his instructions from the attorney, who is alone responsible for the truth or falsehood of the statements in his brief. But suppose he knows a statement to be grossly false, would he be justifiable in pleading, with every expression of sincerity, such falsehood in defence of his client? Suppose counsel is employed to defend a criminal, of whose guilt, from his own previous knowledge, he has not a particle of doubt, would he, in such a case, be held defensible in solemnity before God and his country, uttering with every demonstration of his own sincere belief any known tissue of *mensonge* that might have been set down for him, to screen an undoubted culprit from punishment? We should say not; but such things have been, and defended as the undoubted privilege of the Bar. There was a recent occurrence of the kind in the Central Criminal kind. A wretch had to be tried for an atrocious murder, and a popular barrister engaged to defend him. The night before his trial he confessed his guilt to his counsel: but nothing disheartened, the advocate stuck to his lying brief, went boldly

into court, and, in the most impressive terms, with the most fervent appeals to the Supreme Being, attested his belief in the assassin's innocence. Now this exhibition in a Court of Justice was horrible; it was a more revolting spectacle than the crime itself. No privilege of the Bar ought to tolerate such license of judicial advocacy. No doubt, had this effort of mercenary eloquence been successful, it would have made the pleader's fortune—made him immensely popular with every ruffian and cut-throat in the kingdom. But no seductions of advancement, or gain, or professional etiquette, can extenuate such a shameless prostitution of the language of truth; it is grossly immoral, and the tolerance of it cannot fail, not only to work infinite mischief in society, but must needs be damaging and demoralizing to the Bar itself.

Near akin to this forensic license is that indulged in the examination of witnesses. No doubt the truth is often difficult to extract, and very artfully concealed, and lawyers have need of a wide scope for interrogation; but it may be doubted whether their system of brow-beating and verbal inquisition does not frustrate the purpose aimed at. A confused and embarrassed witness, in hurry and perturbation, is almost as likely to utter an incorrect, if not an absolutely false, statement as a true one. He is on the rack, and his object is momentary ease, and he will seek to relieve himself by uttering, without thought or deliberation, whatever comes first, or which the leading questions of counsel suggest. Thus the real truth is not extracted, but very often false, irrelevant, and unguarded admissions, to escape the torture of the inquisitor's tongue. But truth is not always sought, but display—the indulgence of an arrogant license of tongue—which may be gratifying to an advocate's client, or his own self-complaisance, though unjust

as offensive to the opposite side. It is in this that the existing practice of forensic examination is most reprehensible, and which the Judges are seldom prompt enough to check.

But we shall leave it, to come to a subject that touches more nearly the business and bosoms of all parties—that is, *counsel's fees*. Other classes of society, when they receive money for a service, expect to render the service or return the money; but lawyers have established an entirely different usage among themselves; they take a client's pay, and do his work or not, as happens to be convenient or agreeable. They do not, in fact, consider it pay at all; they repudiate the idea of being hired like other people: oh, no! they are not mercenary in the least; every body knows that! what they receive is a gratuity—a *honorarium* they call it, for which they can never condescend to ask, if not given them; nor can they even, though they have pleaded for it, bring an action for its recovery.

Now all this big talk might pass very well with the public, if it were known to be the ordinary, or even exceptionable, practice of lawyers to work for honour, and not for lucre. But it is pretty generally understood that no other profession or calling does so little for nothing as gowmsmen. They are not only paid, but paid immeasurably, beyond any other class of the industrious, and their pay, too, is more secure—more exempt from bad debts. It in fact mostly comes in with the brief, and is endorsed upon it, and the quantity of utterance usually nicely graduated to the quantity of specie. As to their inability to bring an action for fees, there is no need it should be otherwise. Contrary to the use with others, they are first paid, and left to work or not at pleasure; and in this respect they are more



happily placed than the physician, who always prescribes once, at least, ere he touches his fee; but counsel will receive and not administer at all; they take people's money to plead or defend, and will do or not the clearly implied, if not expressly stipulated, service. This is the practice of both juniors and leaders; causes will be argued or decided in their absence, and a client may afterwards inquire concerning the progress or termination of his suit, and he will be coolly told by his forensic representative, that he does not know whether the case has come on, or that he was not present when it was argued, or when his "Honour," or the Judge decided, though actually with the money for the purpose in his pocket!

This is too bad. Absenteeism is a shameless legal abuse in both Courts of Law and Equity. But, perhaps, it has been carried to the most outrageous pitch by parliamentary counsel, pending the late pressure of railway business before the private committees of the House of Commons. The squanderings in this arena, both on the stars and lesser luminaries of the Bar, have been to an incredible amount. In many cases, for which the leaders were heavily briefed, they seldom, and, in some instances, never appeared; or if they did, only for the purpose of getting up some idle brawl with one of their learned brethren, or to show off their dexterity at a pun, witticism, or farcical joke, or their impertinence in seeking to cast ridicule on some leading member of the committee. It was ludicrous enough often to see the prayers and entreaties of the parliamentary agent, when, with imploring looks, he humbly begged his leader to spare but half an hour in *his room*, for Stephenson, Brunel, or Sir J. M'Neil was on the table. Upon the engineering evidence, in many in-

stances, the fate of the bill depended; and the dons must, be had at any price to get through the tunnels and over the embankments, and prove the gradients of no importance or consideration in the decision upon which hung the fate of the line. The price of such management was often equal to five hundred guineas, or the Attorney-General's special retainer for Liverpool, and five times the amount the most popular advocate would receive for conducting a cause in Westminster Hall. One speech of last Session—a clever one, undoubtedly, cost the South-Eastern Company a thousand pounds. It was a grand effort, and assuredly as deserving of its rich reward as the jumps and exuberant twirls of a favourite *danseuse*, or the sight of a General TOM THUMB, or other prodigy upon which the world is ready to lavish its pecuniary redundancies.

Nobody will begrudge paying for extraordinary abilities at an extraordinary rate. They are gems of great price—Pitt diamonds—and the public will have them, and see them, at any cost. Mr. Austin seems to be a prize of this kind, and an advocate of surpassing talent and address; no one is more ingenious than he in coaxing with playful tact a mediocre committee, with its bucolic chairman; and he has had his reward. Fifty thousand pounds, if report speak true, netted during the last and preceding sessions have remunerated his clever accomplishments, Sergeants Murphy and Wrangham, Mr. Talfourd and Mr. Cockburn are also men of ability, subtle in argument, quick in perception, and unerring in the gauge they take of the tribunal before them. They, too, may deserve their rewards, but there is no reason that others of infinitely less experience and pretensions should almost equal them in their inordinate gains. This cannot

be defended on the ground of the rarity of the gift or acquirements. But the practice is to lavish on both—the veteran and adept, the crude and inexpert counsel—nearly the same measure of remuneration. It is only in the receipt of brief-money that there is a difference; with a brief the leader always receives double, sometimes treble or five times as much as his junior; but for attendances and consultations the fees are the same. In this way may a barrister, who has only just come out, glean a rich harvest. For

Brief	30 guineas
Attendance	10
Consultation	5
	45

Forty-five guineas for a single morning's work, perhaps not occupying above an hour or two, and confined to tracing the line of a railway on a map for the information of a dull member of the committee, examining a witness, or affording a few hints for the opening statement of his leader.

But railway Bills are not usually the work of a morning; they are seldom got through with so much despatch; it is not to the interest of the profession they should. Twenty days before a committee of the Commons, and six days, at least, before a committee of the Lords, are the more usual periods of gestation. What then would be the gains of a junior? They are easily calculated: ten guineas for an attendance, and five guineas for a consultation, would be fifteen guineas daily for twenty-six days, and, with brief-money, would amount to 441*l*. This would be the proceeds from one case, but a barrister might have many such; his attendance and consultation on each, are optional; he may be occupied

a whole day, half-a-day, or an hour, just as long as the committee sits, but his fees are alike under all these contingencies; whether he work or play, he has his fees. It has thus happened that many barristers of less than ten years' standing, in one short season's performances, from the Easter recess to the beginning of August, have received 5000*l.*; others of less repute or standing have received from 3000*l.* to 10,000*l.* The gains of the senior wig-men are still more enormous, and of which we have cited an instance in a favourite performer.

Such extravagant legal gains, however, tend to delay Bills as they do causes. It is the temptation of refreshers and daily fees that make lawyers so diffuse in eloquence, and fertile in dilatory expedients. Cut them off, or reduce them, and both judicial and legislative business would be wonderfully expedited. It would lessen or obviate, too, a moustrous tax and obstruction to public improvements. The great process of railway conversion is an instance. The sums swamped in law expenses usually form a chief element of the expenditure. There have been few authentic returns of the outlay from this drain in recent contested undertakings; but there are returns of the Parliamentary charges incurred in obtaining Acts of Incorporation for the following lines:—

London and Birmingham	. . .	£72,868
Great Western	. . .	88,710
London and Southampton	. . .	39,040
Midland Counties	. . .	28,760
Birmingham and Gloucester	. . .	12,000
Great North of England	. . .	20,526
The Gand Junction	. . .	22,753
Bristol and Exeter	. . .	18,592

These were before the railway fever had attained the delirious height of 1845. 1846 was the culminating point; but in 1844, and during previous years, the bar and all the subordinate ranks of the profession had been reaping a golden harvest; solicitors, and many agents of that description, employed in getting up companies, many of which were only bubble projects, or at least had no legislative consummation, have brought in astounding bills of charges against their employers or provisional confederates, amounting, in some instances, to 10,000*l.* 11,000*l.* and in one notable case, to 13,000*l.* In these matters the public is quite at the mercy of the profession, and exposed to a remorseless system of plunder. An attorney's bill is not a schedule of items that can be scrutinized by ordinary people; it is not like a glazier's or excavator's bill, or a bill for repairing a house or a road, in which the work done may be visible and comprehensible, even to the unskilled: but a bill of law charges refers to services, and is expressed in language that is for the most part unintelligible to the uninitiated, and must be taken on trust, as we take the charges for the repairs of a chronometer, or the drugs of an apothecary.

It would be an edifying arithmetical result to arrive at, to discover the proportion of the vast pecuniary outlay the nation is now adventurously incurring in the effort to convert the common roads into railways, that will finally settle among barristers, conveyancers, and solicitors. The proportion would be startling, but a probable estimate may be formed of the amount. It appears likely, from the expense of the lines completed, that the total cost of carrying through this extraordinary revolution in the thoroughfares of the kingdom, will not be less than 500,000,000*l.*—a sum more than equal

to the entire redemption of the National Debt. It has been seen that the law charges incurred in obtaining the Acts for the London and Birmingham, and the Great Western, amounted to nearly one-fortieth part of the total expenditure in their construction. Supposing this to be the general average, one-fortieth part of 500,000,000*l.* will be 12,222,222*l.*—a vast sum, not expended, it must be remembered, in the purchase of land, in compensation for the absorption of canals, the destruction of houses, churches, and mansions, nor for the science of engineers, surveyors, and levellers, nor for the wages of labour; but simply for parchment and wax, for engrossing and copying, parliamentary fees, and mere lingual scolding advocacy. It is the enormous price, or rather tax, paid by the community for a very gross misapplication by parliament of the *Laissez-faire* system in legislation, and the not less culpable tolerance, by the intervention of inapt and clumsy forms of procedure, of a shameless career of legal spoliation.

It is certain that railway enterprise has opened a mine of wealth to the profession, hardly less productive than the discovery of America did to the Spaniards. Its pernicious results are likely to be analagous. Ill-gotten riches seldom do good, and as the spoil of the Indians enervated and corrupted Spain, so may the spoil of clients and suitors the legislative and judicial administration of England. It is certain that the English Bar is in a rapid course of deterioration, both comparatively with its former self and the rest of society. It has almost ceased to rank as a liberal profession, and become a merely sordid pursuit. Honourable objects of ambition have no longer the superior attractions they once had for the rising generation of legal adventurers. It is not distinction in the senate, official promotion, or the

glittering prizes of the Hall, that the young barrister aspires to, but he is eager, at the outset of his career, to join in the rapacious scramble for guineas in the passages and committee-rooms of the House of Commons. The system is a bad one, fraught with unmixed evils; the profession is lowered infinitely by it in public estimation, and one can hardly anticipate a better fate for it than that which befel its predecessors four centuries past. The history of the Knights Templars is familiar to every one. A noble order they were, till corrupted by the sudden access of vast riches, which intoxicated its members with pride and arrogance, made them the votaries of sensuality and ostentation; in short, a general nuisance and oppression. The voice of Europe rose against them, and they expiated by confiscation, and a terrible punishments, the vengeance they had provoked, by a disgraceful career of voluptuousness, insolence, and crime.

The Bar did not need any additional source of depravation; and, least of all, that particular kind which has been dwelt upon. It did not stand high before in social consideration, nor are its present claims of occupation or accomplishments likely greatly to recommend or elevate its members. Between juriconsults in this country and on the continent there is a marked difference; in the latter, law has been long treated as a rational science; by the former it is considered nothing more than a mass of precedents, conundrums, forms, and technicalities, by the successful mastering of which a man may soon become rich. The mind is not expanded by its culture, the reason developed, nor the sentiments elevated. Its mechanical exhibitions are mostly as sterile and coarse as its general principles. Vociferation and extravagant gesticulation, or low efforts at cajolery

—the gifts of a showman or travelling auctioneer, rather than legitimate eloquence — constitute the ordinary forensic accomplishments. The results are such as might be expected. No other of the learned professions has made so small a contribution to the intellectual advancement of their age. That there are men at the Bar eminent in letters, deservedly esteemed first-rate in talent and acquirements as public writers, we do not deny; but these are only *nominal* lawyers, whose devotions are at other shrines than the miserable verbiage of English jurisprudence. The union we miss, and which we think it would not be easy at present to find, is the junction in the same person of the successful practising barrister, and the author of any enduring work of taste, imagination, science, or general literature.

Ashamed of the intellectual grasp and manifestations of their "order," the Society of the Middle Temple, about twelvemonths since, evinced a disposition to make a better provision than now exists for the legal education and mental culture of a future generation. At a parliament holden Nov. 21st, 1845, and again Jan. 6th, 1846, resolutions were passed, and a report adopted, for engaging a public lecturer on Civil Law and General Jurisprudence. The emoluments proposed to be attached to the lectureship were not uninviting; about 1000 guineas, with other advantages. Whether the projected chair has been filled, or whether the greater seduction of railway lucre have not left a single spare barrister, or D.C.L.—the requisite degrees of qualification—we have been unable to ascertain.

VI. LEGAL OBSTRUCTIONS TO THE TRANSFER AND IMPROVEMENT OF PROPERTY.

The forms of transferring property add nothing to

its value. It is an unproductive act, by which no augmented utility is created. Land is not made more fertile, nor a house more commodious, because the legal modes by which it is conveyed from the seller to the buyer are cumbrous and expensive. Exactly the reverse is the result. They are lessened in value, and the sums expended in legal aid, and in the preparation of writings to effect a conveyance, operate like the imposition of an equivalent stamp duty on the transaction, and to that amount deduct from the value of the lease or freehold.

In Belgium, France, and Prussia, the transfer of land is as simple as that of merchandise or stock. The result is, that land is more valuable than in England; it fetches more in the market, and money can be borrowed on real property at a much easier rate than in this country. Among ourselves, nothing can be conceived more obstructive than the forms which regulate the conveyance of estates. An investigation of title is the first step, and, according to the established practice, before an acre of land can be sold, its history, for the last sixty years at least, must be investigated. Then, in the deed, there is such endless prolixity of statements, in preamble, in recitals, in parcels, in covenants, in warranty, that, in the case of a small estate, the parchments become as large almost as the estate itself; and the expense of them a bar to the sale. Whether one acre or one thousand are conveyed, the cost is the same. It is not merely the parchment and the engrosser, but the conveyancer, who is to be paid. The longer the deeds are, the greater is the risk of error—the chance of a flaw and a lawsuit. Some people sign deeds without reading them, trusting to their solicitor, who reads them, or ought to read them, and compare them with the

draught. But some are careless, the more so as errors may not be detected for years, or perhaps during the solicitor's lifetime. It is related of one popular conveyancer, that he committed errors by the score in his opinions, but none of them were discovered till after his death. Yet a small error may be of fatal importance. In *Langton v. Langton*, the whole case arose from a single line being accidentally left out in copying a will relating to a very large estate in Oxfordshire. The devise to the first son was left out, and the estate was given to the second, third, fourth, and other sons, successively in tail male. It was brought before the Courts, and the question was, what estate the eldest son took. The Court of Queen's Bench was of opinion, that he took no estate at all. The Court of Common Pleas, in a Court of Error, was of a very different opinion, and thought that the first born did take. In another case a widower died, leaving young children; he made a will, left all his property to be equally divided among them as they respectively came of age, but it omitted to make any provision for them till they reached maturity. In consequence, they were destitute, without the means of education or sustenance. Such omissions and oversights mostly originate in the prolixity and tautology of legal instruments; their repetitious verbiage obscures their meaning, and in the throng of useless words, those essential are left out, while the strangeness of the jargon deters the unlearned from the careful perusal of deeds, and watching over their execution. Despite of this cumbersome and apparently circumspcct apparatus, which has been working for centuries in servile routine, to the great detriment of proprietary interests, it has been affirmed, by the highest legal authority, that there is not an estate in England

with a valid title, and in which a flaw might not be detected.

In the reform of conveyancing abuses, all men of property are interested; landed proprietors and the monied and commercial classes; those who wish to sell or borrow, and those who wish to buy or lend. It is a general concern; all are interested in holding their property by a secure title, and in the power of readily transferring, or sub-dividing it, in the most advantageous manner. Under an improved system, there seems no good reason why land and houses may not become as marketable as commodities, and its ownership as indefeasibly secured, as shares in a railway, or stock in the public funds. In part this has been attempted by one of the nine bills introduced by Lord Brougham, and which this indefatigable law-reformer carried in the session of 1845. Appended to this Act, is a short form of conveyance, drawn up by four of the best conveyancers in the country, who vouched for its efficacy, and which affords all the security of the old deed, and even greater; for if the new formula be used, the Act provides that it shall be held to have given all the necessary warranties, just as sufficiently as if ten skins of parchment, instead of one, had been used, and in some of which, as in the instances mentioned, it is likely would be, through mistake or carelessness, omitted. But the use of the new formula is optional; it is not, by the Act, made compulsory. It is likely some timid people may prefer the former practice, with all its prolixity of language, risk of bad title, and litigation. Legal practitioners, too, may not like this abbreviated mode, of deed-drawing. Like certain trades, they may have an interest in tedious processes, and bad or perishable workmanship; but the community has a different interest

and which requires to be pressed upon the attention of the legislature.

But even in an appeal to this tribunal, difficulties may be encountered. In the fees and forms of parliament, and in the exorbitant charges exacted by parliamentary agents and others, serious obstructions are often presented to the most beneficial exercise of the rights of property. If estates are entailed, they can often only be improved by a private Act of Parliament, and this can only be procured at a great expense; for although the parliamentary fees payable on local and private bills are fixed and known, yet the charges of solicitors and agents for promoting or opposing such Bills are uncertain, and often most extravagant.* In the case of one individual, seeking a private Act, the following were the charges to which he was subjected in obtaining it:—

To the parliamentary agents . . .	£800
To his own solicitor . . .	900
For other charges . . .	150
	£1850

A sum of 1850*l.* for merely a few pages of an unopposed Act! Such charges are monstrous. Suppose a

* It has been proposed (Report on Private Bills, Aug. 3rd, 1846) to remedy the abuse by empowering the Speaker to appoint a proper taxing officer, such as is attached to the Courts of Justice, and fixing a scale of taxation; and that at the commencement of every session, an account should be presented by him to the House, of the expenses of each Bill, distinguishing the sums paid for fees, witnessess, and professional services.

person differently situated from the present applicant, and without a surplus income, but anxious to improve his estate, it is obvious that he would be unable to do so. One thousand eight hundred and fifty pounds is a small fortune. It is an unbearable grievance on landed proprietors that they should be so oppressed by parliamentary charges, that they cannot obtain a Private Estate Bill, for merely perhaps beneficially leasing or partitioning their lands, without expending the enormous sum of 1850*l*.

It will be found in every direction of law reform, that fees and inordinate gains form the greatest obstruction to improvement. It was the activity of professional and official interests that frustrated the endeavours to reform the Ecclesiastical Courts, and to establish a general registration. In one respect, the rich have an advantage over the poor, in the existing state of the laws. Justice is a costly article, and they alone can buy it; can alone pay the enormous fees of Courts of Justice, the costs of attornies, and the fees of counsel. Except the recovery of a paltry debt in a Court of Requests, or other petty tribunal, the needy are excluded from all legal remedy; they can establish no claim of right or of property, however just. The expenses of litigation virtually outlaws them, and deprives them of their civil rights. Their cause may be good, but, however good, the result is uncertain, though the expense is not; and these uncertainties solicitors will not risk for clients with empty purses. Their offer of employment is declined; for them there is no help to prosecute or defend. They are left at the mercy of the rich, who are at once enabled to oppress the poor, and to wrong and plunder each other.

VII.—PRIMOGENITURE, ENTAIL, AND MORTMAIN LAWS.

The subjects of this section are intimately connected with those of the preceding. Primogeniture, entails, and the Mortmain Act, all present hindrances and obstructions to the free use and circulation of property. But ere we notice them, we shall advert to a limited effort at improvement, by the late attempt to assimilate the conditions under which real and personal estates may be devised.

In the Wills Act, land and chattel interests have been assimilated in their mode of devise and testamentary attestation. Some attempts too, as already remarked, have been made to simplify the form of conveyance, to obviate the old circuitous and crotchety formulas, and make land transferable like money or stock. There appears no reason why this principle of reform should not be fully carried out. In England land is limited in quantity, and to render it extra-commercial, to subject it to a peculiar regimen different from that which governs the accumulation and distribution of other descriptions of property is an infringement of the common rights of society.

The tendency of the age is to equal, not exclusive, privileges. For the last twenty years a constant war has been waged against commercial, banking, and other monopolies, and much has been written and said on their unjust tendencies; but the monopoly of land has not been so vigorously challenged in public discussion.

Many of the aristocracy have been zealous and persevering in their endeavours to establish unre-

stricted freedom in commerce. They perceived the advantages of liberty in the exchange of commodities ; but they have been indifferent or silent on the advantages of liberty in the exchange of the soil. Yet, what are the rights of primogeniture and the law of entail, but monopolies as pernicious as those of the Bank of England and East India Company, ere they were abolished ? What right had an assembly of half-civilized men, some five hundred years ago, to tie up the great estates of the country in perpetuity ; to enact that, whatever changes of society might intervene, they should never be subdivided, nor severed from their lineal heirs ? Was not this creating a monopoly ? Did it not interpose insuperable obstacles to the sale and division of overgrown estates—keep up the price of land to an artificial height—impede fair competition—limit the market of buyers—and impose restrictions on the freedom of those who might be disposed to sell ?

Moreover, the statute *De donis*, or of “Great Men,” as it is called, perpetuated a LANDED INTEREST ; that is, an order of men with interests distinct from those of the community, and who, armed with the power of the state, have been able to treat with special favour their peculiar class, by imposing upon it lighter burthens, by protecting it from competition, and other expedients which tended directly to their own greatness and emolument by the sacrifice of the general welfare.

The motives which originated this feudal institution, have, in great part, ceased to exist. In the disorderly era of Edward I., the right of the first-born to the undivided possessions of his ancestor was a *law of peace* ; and, by consolidating indisputably the power which the entire of the property gave in the hands of a single

person, it was a *law of security*. To divide the inheritance was to ruin it, and to expose the dwellers upon it, who depended on the proprietor for protection; to be oppressed and swallowed up in the desolating incursions of neighbouring chieftans. In the existing state of society no such pretexts can be urged. The poor as well as the rich enjoy personal security, and the owner of a single acre is as secure in the enjoyment as the owner of 100,000. The right of primogeniture, however, still subsists; and as, of all institutions, it is the most adapted to flatter the pride of great families, it will be tenaciously upheld by the aristocracy. In other respects it is an unmixed evil; it is even injurious to the interests of the landowners; for nothing can be more contrary to the welfare of a numerous family than a right which, in order "to enrich one, beggars all the rest of the children," and reduces them either to dependence upon the public, or a precarious scramble for subsistence.

The same reasoning applies to *entails*, which are the natural consequence of primogeniture. They were introduced to preserve the lineal succession of which primogeniture first gave the idea, and to hinder any part of the original patrimony from being conveyed out of the proposed line, either by gift, devise, or alienation, either by the folly or the misfortune of any of its successive possessors. Such perpetual fixations, however, are founded upon unjust assumptions,—upon the assumption that every successive generation of men have not an equal right to the earth and to all that it contains; but that the property of the present generation shall be fettered and regulated by barbarians who died centuries ago. Entails, however, are still respected in England; and it is only in particular

by means of legal fictions, prompted by the
of commerce, and new views of social expediency,
estates tied up by them can be alienated. They
learned essential to the maintenance of the aris-
cy in the possession of political power, honours,
ties, and offices. Enjoying legislative supremacy
hereditary succession, it has been sought to shield
from the evils of poverty by an indefeasible
itance. But such partial immunities are inde-
de. In the present state of society there is no
y in guaranteeing to particular families the un-
jeable possession of vast masses of property—that
property shall not be liable to the ordinary vicissi-
of life—that it shall not either be devisable or
de—and that all, except members of the order,
be interdicted from ever becoming proprietors of
oil—of that soil which ought to be the common
of the whole community.

erevils result from this crude and selfish institution.
ogeniture enriches one, and leaves the other mem-
f a family destitute. Hence they are often thrown,
mendicants, on the public for support; but they
nlike mendicants in this, that the public has no
a whether they will support them or not. The
cracy, exercising the power of the state, have the
s, under various pretexts, of extorting for the
: branches of their families a forced subsistence.

patronise a ponderous and sinecure church
ishment; they wage long and unnecessary wars,
eate employments in the army and navy; they
er and retain expensive colonies; they set on
expensive missions of diplomacy, and keep an
sador or consul, and often both, at almost every
state and every petty port in the world; they

create offices without duties, grant unmerited pensions, keep up unnecessary places in the royal household, in the Admiralty, the Treasury, the Customs, Excise, Courts of Law, and every department of the public administration. By these and other expedients, the junior as well as elder branches of the great families are mostly sought to be provided for out of the taxes.

Except among ourselves, it is only in the less civilized states of Europe, in Hungary, Bohemia, Poland, and Russia, that primogeniture is retained. Countries enjoying the benefits of political regeneration have abolished this remnant of feudality, and introduced the law of equal partibility. The good effects of this reform are visible in the condition of France and the Netherlands ; in the greater harmony subsisting among the different classes of society ; in the absence of the miserable jealousy and exclusiveness that embitter and domestic intercourse in England ; in the public spirit, unanimity, and personal independence of the inhabitants, produced, no doubt, by a conviction of common interests, reciprocal obligations, and equal participation in all the advantages and enjoyments of civil society.

A very different spirit of legislation has been evinced, in respect of bequests, in Mortmain. Here the aim has been to keep land free, and prevent it being unproductively tied up. But tied up in what? Not in the aggrandizement of families, or a political class ; that might be done unstintedly ; but to prevent its being tied up for *charitable or religious uses*. It was against these uses the Mortmain Acts were directed. Jealousy of a rival order, and a begrudging spirit, lest the poor should get too much, partly dictated them. It is certainly not politic to vest the management of the soil in corporations, whether lay or ecclesiastical ; in such

hands it is liable to be jobbed or neglected. But the great families are corporations, and a noble house is a corporation sole, with hereditary rights; and the laws of primogeniture and entail tend to accumulate land unproductively in their possession, in the same way as the bequeathing of it to ecclesiastical bodies for the poor and pious uses.

But, though real property was prohibited to be so devised, personal was not. In this is seen the one-sided bent of hereditary legislation. Over the aristocracy the law threw its shield: it said, "Priestcraft shall take no advantage of you in your weak or unguarded moments; it shall not seduce you to disinherit your natural heirs." But its conservative cares were confined to a class—that of the law-makers. Money, or stock to any amount, might be left in trust for the church or poor, but not the soil. The capitalist and monied man, the merchant and mill-owner, might disinherit their children and leave them penniless; they might be oppressed in their latter moments by holy exhortations on the expediency of expiatory offerings for the erection of an hospital, a church, or an almshouse, but the territorial lords have been protected from such supplicatory appeals. Their dying moments must be undisturbed, however profligate and unjust their lives: no eleemosynary petition must be preferred, nor thought of atonement or restitution of ill-gotten gains pressed on their commiseration.

But such safeguards seem almost superfluous for every class. In this age of sceptics, calculators, and political economists, there is little danger of excess either in posthumous or contemporary benefactions. The tendency is all the other way—of a too unsympa-

thising and tenacious cupidity. Besides partiality in principle, the Mortmain Act in force (9 Geo. II. c. 36.) does sometimes work mischievously, and frustrates laudable intentions. Of this, the recent bequest of 5,000*l.* by Dean Ireland is a recent instance.* That of the late Marquis of Westminster is another. In August 1844, the Marquis conveyed to trustees lands for building and endowing a church, parsonage house, schools, and twelve almshouses, in Chelsea. The deeds were duly executed, but his lordship died within three or four months of their execution, and, in consequence, the grant was void; the Statute requiring that the grant should have been enrolled in Chancery, and completed twelve calendar months prior to the granter's decease. It shows the danger of delay in such charitable intentions, with the law of George II. unrepealed. But the law is partial and hurtful in every respect. It only extends to England, not to Ireland and Scotland; and though it would be unlawful to leave land to a Dissenter's or Presbyterian college, it would not be invalid if left to Oxford or Cambridge University, or to the royal foundation of Eton, or Winchester College.

VIII.—CHANCERY DELAYS AND EXPENSES.

It is only the popular voice, loudly and perseveringly raised, that will compel effective law reform. Individuals may point out the most crying abuses; but unless forcibly seconded by the people, all their representations will be unavailing. Public grievances are seldom redressed except from fear, or other inability

* Lord J. Manners, House of Commons, March 4, 1846.

longer to uphold them. From the mass of the profession it would be idle to expect substantial legal improvements. Want of time disqualifies many of them for the task, even if so disposed; and besides, what class is there that ever makes a voluntary surrender of profitable, or even only pleasurable indulgences? It is only the pressure without that induces or compels them to make self-sacrifices. The Bench and the Bar are the least, of all classes, likely to form an exception to this rule of social progress. Their whole art and practice are not only too gainful, but consist too much of forms—are too much of a ceremonial, intended for vulgar eyes—for them heartily to concur in rational innovations. For proof, we only need to refer to the little progress made in the reform of the Courts of Equity, and which have been mostly attempted under the suggestion or direction of their judicial and practising members.

The delays and expenses of the Court of Chancery have formed a palpable and undeniable judicial grievance for the last half century. Attempts to mitigate them formed the life-long labour of Michael Angelo Taylor. It is now upwards of twenty years since the late Mr. Justice Williams made his astounding exposition of Chancery abuses.* He then showed that Equity was no equity at all, but a shameless mockery of justice. Causes might be there pending for almost a century; and even after they had got through, and were so far advanced as to be what lawyers call *ripe for decision*, they might wait many years longer for judgment. One instance of dilatoriness before this tribunal, the learned gentleman par-

* House of Commons, Feb. 24, 1844.

ticularly dwelt upon: the suit involved considerable property, of which part was a windmill. A bill was filed in 1763; in 1796 the cause had progressed as far as the master's office, where it was stationary till 1815, when it was found, on enquiry, that the windmill had disappeared, and that there was no longer any trace of its existence: time, it seems, had been at work, while equity was sleeping. The immense mass of property locked up in Chancery, almost exceeds belief. In the year 1756, the amount of property so held in *mortmain*—for such is its true description—was 2,864,975*l.*, but had accumulated, in 1829, to 38,886,135*l.* Of this great fund, there is more than one-third part which, from the procrastination of suits, either belongs to persons deceased without heirs, or their representatives, or to persons living, but ignorant, from the books not being open to them, of their claims altogether; or, if acquainted with them, ignorant in what manner or names their property is invested. To this extent the Suitors' Fund is an enormous bank of plunder, under the *forms of law*, and the iniquity of whose history is heightened by the fact, that past judicial functionaries, or their present representatives, have been in the constant receipt of inordinate pay or pensions from this fund, which they beheld daily augmenting in amount, through their own culpable apathy, or open hostility to improvements in Equity administration.

For the reform of the greatest and most obvious defect of Chancery justice—namely, the inadequate command the Lord Chancellor had over the business of his Court—there never appeared any difficulty in suggesting remedies.

1. By separating the political from the judicial functions of the Lord Chancellor; by which he would have obtained that fixity and independence in the exercise of his functions which are esteemed such desirable attributes in the statutes of the Common-law judges.

2. By the severance of his appellate jurisdiction in the House of Lords, and abolishing the absurdity of an appeal from the Lord Chancellor on the bench, to the Lord Chancellor on the woolsack.

These two are simple arrangements, in the utility of which almost everybody has concurred. Why they have not been carried out, it is not easy to comprehend, unless by reference to our previous intimation, that lawyers have been left, by the Legislature, too exclusively to the reform of themselves and their system. In this solution, pretexts for delay and evasion may be easily discovered. The possession of the Great Seal of England constitutes the great prize of professional life. What a crown is to the adventurous soldier, or Lambeth to an ambitious churchman, the Chancellorship is to the Bar. It is the goal of their daily strivings—the tempting reward of forensic toil and intrigue; and of course they were loth to impair its value by subdividing its functions and vast patronage.

Lesser reforms have been substituted for the great ones. The Lord Chancellor has been relieved of his duties in bankruptcies, and assisted by the creation of Vice-Chancellors; but nothing has been done to lessen the more glaring vices of his high office. His multiform functions continue inconsistent, if not conflicting, and his position as precarious as before. Nothing has been done to obviate his moveability

with every change of ministry; in fact, he has been made more political, in place of more judicial, and by the aid of assistant judges, and the transfer of business, has got more time to devote to cabinet councils, cabinet dinners, and cabinet intrigues, which are an aggravation, not a remedy, of the pre-existing evils.

But the important point is, how have suitors in his Court been benefited by recent alterations? Has justice been expedited, and its enormous charges lessened? It would appear not. We have the testimony of Lord Cottenham himself, that a cause of any weight or intricacy may be still six years in suspense. It may, we suspect, be much longer; and in proof, we shall cite an instance to which the attention of Lord John Russell has been recently called, by one of his constituents, as an imperative reason on his Lordship to urge forward, with more zeal than he has yet evinced, a reform of the laws during his premiership. The case appeared, only a few months since, in the *Times* newspaper, and is thus forcibly narrated by the sufferer himself:—

“In 1825 I lent about 2,000*l.* on mortgage. Soon after, the borrower died. His eldest son having hunted out an entail, more than 100 years old, of which no notice had been taken in the later deeds, claimed the property against me and about thirty other persons, who, in the last dozen years, had become interested in the estate as purchasers, mortgagees, &c. In 1831 it was decided by the Court that my mortgage was good, and all parties were sent into the Master's-office. Eighteen years have elapsed: I am still in Chancery, and know not when I shall be out. I have got neither principal nor interest, and have paid in costs nearly 2,500*l.*

“I selected a solicitor of great respectability, and gave him instructions to press the matter on as diligently as possible. I have ample funds. Why then am I, after *eighteen years*'

litigation, still without justice? Of course I know nothing of law technicalities; all I know is, that it took three years to get into the Master's-office, three more to get a report from the Master, and then it was found that some unimportant party had died before the report was made, and the report was held void; though the dead man's solicitor, not knowing of his death, attended the proceedings. Afterwards another unimportant party died, and again the business stood still. What happened afterwards, I can't explain. I only know, that in 1842 the Master approved of a written question being put to a party in the cause; and *whether he should answer it or not, has been under discussion before the Court ever since.*"

Here is an example of Chancery delay and expense! The suitor had ample funds, employed a respectable solicitor, instructed him to use diligence, and yet, though the main points had been decided in his favour in 1831, he had been in Chancery *eighteen years*, and had spent 2,500*l.* in costs, his original demand only being 2,000*l.*; that he had received nothing, and still does not know when he shall be out of Chancery!

The most startling part of his statement is, that in 1842, a *written* question was put by the Master in Chancery, to a party in the cause, and that it was not finally decided whether that question should be answered even in 1846. Is it surprising that under such a system—a system which admits of a four years discussion whether a question shall be answered or not—that in another cause, that of *Bute v. Stuart*, where the point litigated was as simple a one, as ever arose, should have been begun in 1793, and that *fifty-one years* after, namely, March 6th, 1844, there should appear in the *Times* of that date, a report of a *step* in the cause? In this cause the House of Lords decided the

main point in 1813; and in 1844, the successful party was seeking the fruits of success. Such is Chancery still, after its pretended reform by the jurisconsults!

We will only mention one more example, that of the *Attorney-General v Trevelyan*. It is a charity case, and outs Herod's Herod. This Methusalem law-suit is exactly 162 years old, and relates to the grant of an endowment for a grammar-school at Morpeth under Edward vi. It has been going on ever since; in 1710 it was before Lord Chancellor Harcourt, who made a decree directing a Commissioner to ascertain the boundaries of the lands: the Commissioner certified that no boundaries could be traced. A compromise was made with the lessee, but not executed. Counter proceedings were taken, and on the 25th of last January, this immortal Chancery suit was again ushered into court. Eight counsel were engaged to do battle for relator, lessee, corporation, trustees, and the other interested parties. But Vice Chancellor Shadwell promptly created from the *mêlée*, by reference to a Master's office, where it is likely long to abide.

Of course the reader is anxious to know where the blame lies of these cruel denials of justice. It lies partly in the causes already indicated, and partly in others, which we shall let a most able and qualified person describe. Mr. C. Fane is one of the few members of the profession who is zealous for law reforms. He was brought up as a Chancery lawyer, and has had twenty years experience as a Bankruptcy Commissioner; therefore he is certainly most competent, both from education and practice, to give an opinion. In his *Letter to Lord Cottenham*, he states that one great cause of Chancery dilatoriness, is the mode of doing business, and he strongly urges the expediency of assimilating the Chancery method of

proceeding to that of the Court of Bankruptcy. He thus sets forth the cause, and its remedy:—

"In Chancery," says Mr. Fane, "the suitor applies first to the judge; everything is done in writing. The judge, after great expense has been incurred and after a long delay, makes a decree; that decree tells the Master, in endless detail, what he is to do (just as if he required to be taught the simplest matters); the decree is drawn up, not by the judge, who might be thought wiser than the Master, but by the registrar, who, in teaching the Master, frequently omits some material direction; the parties then adjourn to the Master's office; there the matter lingers, month after month and year after year; at last the Master makes his report, tells the Court what he has found, and sometimes what he would have found if the registrar had authorized him to do so, and at last the Court either acts, or sends the matter back to the Master with new directions. Meanwhile, as Lord Bacon said about two hundred years ago, 'Though the Chancery pace be slow, the suitor's pulse beats quick.' I know of nothing to which to compare this process except the game of battledore and shuttlecock, in which the poor suitor plays the part of shuttlecock, and is tossed from the judge to the Master, and from the Master to the judge, over and over, till the scene is closed only too often by despair, insolvency, or death.

"In Bankruptcy the suitor applies, it is true, to the Chancellor: but the Chancellor refers him, by the stroke of a pen, to the Commissioner, with no other instructions than such as would correspond with the usual mercantile instructions, 'Do the needful;' instead of everything being done in writing, scarcely anything is done in writing; and instead of the Master reporting everything and doing nothing, the Commissioner does everything and reports nothing. Does this system occasion dissatisfaction? I will leave your Lordship to judge from the facts of the last bankers' bankruptcy that came under my notice, the case of Messrs. Oliver and York, of Stoney Stratford, men respectable, though unfortunate. On the 18th of May, 1843, they were declared bankrupts; on the 3rd of August (two months and sixteen days after) a dividend of 6s. 8d. in the pound was declared, amounting to 20,082*l.*; on the 16th of February following, a further and final dividend of 5s. 9d. was declared, amounting to 19,126*l.*,

and the estate was wound up. The bankrupts stated their good debts at 19,071*l.*, with some bad and doubtful debts; the debts collected were 19,545*l.* They stated their property to be worth 24,929*l.*; it realized 25,692*l.* The receipts and payments were as follows:—

RECEIPTS.			£.	s.	d.
Property	...	...	25,692	12	0
Less payments to mortgagees	...	...	3,099	7	10
Balance	...	...	22,593	4	2
Debts collected	...	...	19,545	11	0
Total receipts	...	...	43,139	2	2
PAYMENTS.					
Dividends	...	...	39,238	2	8
Petty expenses of official assignee	...	...	15	15	0
Rent and taxes	...	...	406	8	3
Court fees	...	...	159	0	10
Broker and messenger of Court	...	...	52	8	10
Solicitor's costs	...	...	988	6	3
Remuneration of official assignee	...	...	606	7	8
Sundries	...	...	355	4	9
Balance in hand	...	...	317	7	9
Total			42,139	2	2

"The whole business began and ended between the 18th of May, 1843, and the 15th of March, 1844.

"It will be a happy day for the Chancery suitor when the Chancery method exhibits like results. The results of the Chancery method in the case of Messrs. Hammersley and Co., the bankers of Pall-mall, were, I fear, very different. Their bankruptcy occurred in 1840, and the business is not yet closed."

In the Court of Bankruptcy no such mockery of justice could have happened as that noticed above in Chancery process, in which four years were spent in discussion whether a written question should be answered. With this dilemma, Bankruptcy would have dealt in a different manner. If an examinant had refused to answer, when required by the Master, he would have been the duty of the Commissioner to commit him, as a judge would have done on a trial at

law. The examinant might have appealed by *habeas corpus*, and, as a question of personal liberty would have been at stake, other business must have been suspended for the moment, and the point must have been decided in a few days. The Bankruptcy method, then, would have brought to issue in four days, what the Chancery method kept in suspense for four years. And why, it may be asked, should not a Master in Chancery have the power, which is freely given to a Bankruptcy Commissioner?

IX.—RICH AND POOR UNDER THE LAWS.

To punish the purse is bad enough, but to punish the person is worse. The English laws do both, but it is under the last that the poor chiefly suffer. The rich may pay, but the poor can only receive stripes. They suffer other disadvantages. Property influence can never be entirely obviated; it is inseparable from its institution. Wealth is power, and it will make itself felt, despite of every protective contrivance. But, as far as possible, the policy of the law ought to be directed to counteract the civil inequalities it produces. It ought not to make the strong stronger; but, as equality is the basis of the constitution, it ought to endeavour to place on the same level the necessitous and affluent before the tribunals of justice.

This equitable principle is not observed in the laws; it is glaringly violated both in their letter and practical administration. So great is the infringement, that it has been said, that a rich man may commit any crime in England with impunity, short of murder. The chances in his favour are infinite. With money, without going into court, he may compromise with the injured, purchase the silence of his accuser, or the absence of necessary witness; or, if these fail, and he

is brought before the magistrate, he may give security for his appearance, and escape justice by forfeiting his bail. In this consists their chief resource; but no pecuniary recognizance, which it is in the power of the poor to offer, will be accepted for a serious offence, though the rich often commit the most atrocious and infamous of crimes—such as are death by the law—and, without even the exposure of their names, escape all punishment, by giving some insignificant pecuniary guarantee, which the magistrate knows will be forfeited, and which he very culpably accepts.

There is another class of offences, less than capital, in which the acceptance of money as security works great injustice. We allude to common assaults. An attack on the person is a gross outrage, and has been so considered by every civilised community. It is an act of violence, in comparison of which theft is venial; and we are convinced it would be thought so by almost every individual. Yet what disparity in the punishment! For stealing to the smallest amount—for violating the laws of property even to the value of sixpence—the offender would be imprisoned, perhaps whipt, transported; but for any personal assault, for breaking a man's nose, knocking out his teeth, or inflicting other disabling, disfiguring, or ignominious injury, the only punishment the magistrate can inflict is a paltry fine of 40s., or, at most, 5*l*. He cannot sentence to be whipt, imprisoned, or transported, however gross and unprovoked the outrage. The rich ruffians, that often escape under this mistaken lenity, is immense. A fine of from 40s. to 5*l*. may often restrain the violence of the poor, but hardly ever the rich. They have impunity for assaults; they may strike and maltreat at pleasure; they may commit any violence on the persons of the queen's lieges, but not

steal from them, not violate the laws of property, which, from position, they are under little temptation to do.

In civil jurisprudence the opulent enjoy still more marked superiorities. In this direction riches are all but omnipotent. It is not, however, the letter of the law that kills; no statute has made any direct concession in favour of affluence: but it is administrative abuses that place the poor at a disadvantage. The Courts of *Nisi Prius* can only be approached over a bridge of gold. Attornies' fees, lawyers' fees, and the fees of judicial officers, exclude all needy suitors. For the wrongs of the poor there is little help, and it is hard to say whether their inability to buy needful medical aid, or needful justice, constitutes their heaviest grievance.

X.—SALARIES, PENSIONS, AND EMOLUMENTS, OF JUDICIAL OFFICERS.

The late Jeremy Bentham said to Mr. Rush, the American minister, "Keep your salaries low." It was a wise exhortation. High official salaries are environed with dangers, extremely detrimental to the general weal. They induce many to seek public employments, and many by personal favour, or family interest and connexions, to obtain them, who have no fitness for government situations—who covet only the pay, without the ability, or even the inclination or laudable ambition, to render the State a service. In consequence, public boards and appointments become filled with a throng of idlers, whose only claims have been a sinister influence, the accident of birth, or an empty title; and the gravest and most responsible duties of civil society thereby come to be discharged by its most unworthy and incompetent members. Other evils follow in the train of high salaries. They tend to engender sinecu-

rism and deputyships. An official with a large income need not work himself; he has enough to do to spend it, and seldom does work, but hires a substitute. Thus the public falls to be served by secondaries, in lieu of principals; and suffers the further disadvantage in the tendency of the redundant emoluments of the first either from direct salaries or indirect gains, becoming formidable public abuses, and the greatest obstacles to the removal of them.

Who would not be retentive of a place with little or no employment, yielding thousands per annum? Who would not be anxious to retain it, and when that was no longer possible, to transmit it to his descendants, or transfer it to a friend or personal favourite. Hence the infinite contrivances devised by the holders and their abettors of well-paid offices, to keep themselves, or hand over to their connexions and dependants, the most luscious appointments in the public departments, and the Courts of Law. Sometimes they converted them into, or held them to be, "vested interests;" sometimes they got such good things made hereditary in their families, inheritable, without distinction of sex, by male or female descendants. Frequently, and perhaps most generally, they were made saleable by the possessors. And why all this ingenuity of pretext and invention? Simply because they had been made so valuable, the remuneration had become so disproportionate to the service, by the agglomeration of salary, fees, perquisites, and patronage, that they were naturally loth to part with them, or that they should go out of the family. Hence the obstruction they became to official and economical reforms. They were stoutly battled for, and only surrendered at last, in return for ample compensations, on a broad estimate of their full life, patent, or *saleable* worth.

The last was the most indefensible of the abuses appendant to public employments. Yet it has been shamefully rife in the offices and judicial administration of the Courts of Law. The late Lord Ellenborough had offices to sell, while Chief Justice of England, for which he refused eighty thousand guineas. He gave them to his son, who now enjoys the fruits of them; and Lord Eldon followed the example of the Chief Justice in his paternal preferences in the disposal of the rich sinecures in his gift. It was the common practice, but an undeniable proof of rottenness in the State. Ancient Rome is usually considered to have reached the highest pitch of degeneracy, when the empire was offered for sale to the highest bidder by the Prætorian bands. It is symptomatic of like corrupt tendencies, when offices of public trust of any kind, more especially those of justice, become a market-commodity.

But the subject is too vast to be disposed of at this turn. We shall resume it when we come to treat of Places, Pensions, and Salaries generally. At present, we have only to do with judicial and the other officers of the Courts of Law and Equity. Before, however, subjoining a list of these and their pickings, we shall take a bird's-eye view of the entire phalanx of legal absorbents comprised in the different grades of the profession.

We are, in truth, not so much a priest-ridden as a law-ridden community. In the number and magnitude of the Inns of Courts; Temples, Halls, Law Institutions, and other vast edifices and buildings, the legal classes outdo the monastic establishments of the dark ages; and their constant intervention in all the transactions of life give them an influence beyond that

of the monks and friars in the mediæval times of gross superstition. In the metropolis only are nine superior courts, four ecclesiastical courts, twenty courts for the recovery of small debts, besides courts of oyer and terminer, courts of general, quarterly, and monthly sessions, coroners' courts, and courts of petty sessions and police. Attached to these courts are 900 officers exclusive of judicial functionaries. To these may be added 750 barristers, 4500 certificated solicitors and attorneys, 180 conveyancers and equity draftsmen, 90 special pleaders, 100 proctors, 60 public notaries, 9000 attorneys' clerks and assistants, besides doctors of civil law, sergeants-at-law, and queen's counsellors making a legal host in the metropolis of upwards of 15,000. In the country they are not so concentrated; more numerous; forming an aggregate of about 20,000 of all grades, and with their brethren in London presenting a mass of 35,000, whose occupations are to render justice attainable by the people of England and Wales.

This estimate, though hastily cast up, is not, we feel assured, greatly above the mark; several attorneys in town employ upwards of twenty clerks, and a majority of them three or four. Perhaps it would be an exaggeration to take the total number of professional clerks and assistants at 30,000 or 40,000. In this enumeration is not included justices of the peace, amounting to about 5000; nor the judges of the different courts, the sheriffs, nor any portion of police magistrates, whose office is to administer summary justice, and who are aided by a numerous staff of clerks and assistants. The classes mentioned in that mass of persons whose augmented numbers have chiefly originated in multiplying the de-

and difficulties of the laws and their judicial administration. They equal in number, and we are quite sure exceed in the absorption of revenue, all the religious teachers, established and non-established, of every denomination. But the services of the spiritual and legal often conduce to widely different ends—one holding out the hope of a better state of existence, the other frequently leading to a worse—an affix in the Gazette or a gaol.*

Dr. Colquhoun estimated the total income of the legal classes, when the amount of national wealth and professional employment were little more than one-half of the present, at 7,600,000*l.* per annum; fully one-third of this amount appears from the late census to be absorbed by counsel, conveyancers, solicitors, and attorneys, located in the metropolis and vicinity.

However, these statistical facts are only submitted as approximations. The returns under the Income Tax would alone furnish trustworthy data. But of the great increase in number and general revenue of the legal profession there can be no doubt. A comparison

* The numbers in the above paragraphs are founded on the rough data derived from the *Law List*. The census of 1841 comprises a classification of the occupations of the people. According to this enumeration, the number of barristers, advocates, and conveyancers in Great Britain was 2,373; attorneys, solicitors, writers, and law-students, 14,657. Of this number, 4,801 were returned for the county of Middlesex. Almost six years have elapsed since the census was taken, and doubtless there has been a great increase of legal members in the interval. Our numbers apply only to England and Wales, but include the numerous body of clerks not articulated, and justices of the peace; all, in short, connected in any way with the administration of the law.

of the *Law-List* of 1820 and the present year will show that the class of solicitors and attorneys has nearly doubled in London within the last twenty-seven years. There has no doubt been a corresponding increase in the country, and in the higher branches of the profession, and which far exceed the contemporary increase in property and population. It may have been necessitated by the increasing number and perplexities of the laws, which made additional guides, counsel, interpreters, and commentators indispensable; or it may have risen from the large fortunes suddenly amassed by dealers in legal subtleties, that tempted more than a fair proportion of the community to embark in so lucrative a pursuit.

Of the ample and easy gains of the Bar, examples have already been given, and it is hardly necessary further to dwell on so indisputable a fact. The individuals that might be named, whose private fortunes, within a few late years, have been devoured by lawyers are immense. Mr. Wellesley, in a book he published on the Court of Chancery, stated that the litigation into which he had been drawn had cost him £20,000 in four years, and a sum of equal amount had been paid out of the estates of his children. Mr. Davies, the tea-dealer, of Philpot-lane, was put to an expense of £32,000 by a Chancery commission, appointed to ascertain whether he was in a *sound state of mind*. Sir E. Sugden observed some years since, that the Equity proceedings, under the will of Mr. Thelluson, had been as productive to lawyers as many principalities to their sovereigns. The cause of *Small v. Attwood*, must have swamped the larger part of a quarter of a million in law expenses. The gains of the judicial classes have not been so great, but the fixed incomes of the chief of them have

been greatly increased. In 1792, the salary of the Chief Justice of the Court of King's Bench was 4,000*l.*; of the Common Pleas, 3,500*l.*; of the Chief Baron of the Court of Exchequer, 3,500*l.*; all these have been respectively augmented to 10,000*l.*, 8,000*l.*, and 7,000*l.* per annum. All the Judges have patronage—that of the Chief Justice considerable; they have also some trifling fees remaining, though their shares in fees have been almost entirely commuted in augmented incomes. It has been related of these exalted sages, that at the time sixteen journey-men boot-closers were being committed to Newgate for a conspiracy to raise their wages, the Judges were sitting in their chambers in Sergeants'-inn, conspiring to raise their own salaries in consequence of the rise in the necessities of life.

Despite of this inconsistency of practice, they are perhaps the least unpopular of any class of public servants. Their salaries are doubtless highly liberal, though we apprehend not greatly begrudged, being generally considered suitable returns for distinguished professional merit, and the discharge of severe and anxious duties. As to the Chief Justice of England, he offers a rare instance of disinterestedness; having always refused to take more than 8,000*l.* of the 10,000*l.* that constitutes the salary of his office. Chief Justice Denman has the reputation too of being a sincere law-reformer.

It is not judicial functionaries, but the other officers of the Courts of Law and Equity—a swarm of sinecurists, compensationists, and fee-takers, at whose extravagant receipts the public is indignant. However, we subjoin a list of both—judicial and executive—as returned by themselves, or immediate predecessors.

SALARIES, PENSIONS, PAY, PROFITS, FEES, EMOLUMENTS, GRANTS, OR ALLOWANCES of Public Money held and enjoyed by Judicial Officers, and other Officers of the Courts of Law and Equity, the total amount of which exceeds ONE THOUSAND POUNDS.

NAME.	OFFICE, PENSION, ETC.	AMOUNT PER ANN.
		£
Adlington, Thomas ...	Late Side Clerk of the Court of Exchequer	1,160
Alderson, Sir E. H. ...	One of the Barons of Court of Exchequer	5,000
Avonmore, Viscount ...	Late Principal Registrar of Court of Chancery, Ireland	4,199
Allen, Launcelot Baugh ...	Six Clerks' ...	1,577
Bruce, Rt. Hon. Sir J. L. ...	Vice Chancellor	5,000
Knight ...	Ditto, Chief Judge of Court of Bankruptcy	3,000
Brougham and Vaux, Lord ...	Late Lord High Chancellor	5,000
Brougham, William ...	One of the Masters of the Court of Chancery	2,500
Bicknell, Henry Edgworth	Compensation under 3 and 4 Will. IV. c. 94	725
Balguy, John ...	One of the Registrars of the Court of Chancery	1,500
Bere, M. B. ...	Commissioner of Bankruptcy, Birmingham	350
Blackthorne, Right Hon. F. ...	Ditto, Exeter	1,800
Bedwell, Francis Robert ...	Chief Justice of Court of Queen's Bench, Ireland	5,000
Brady, Rt. Hon. Moser Lord	One of the Registrars of the Court of Chancery	1,500
Burge Wm. ...	Compensation	350
	Lord Chancellor, Ireland	8,000
	Commissioner of Bankruptcy, Leeds	1,800

NAME.	OFFICE, PENSION, ETC.	AMOUNT PER ANNU.
Bunce, James ...	One of the Masters, Civil side, Court of Queen's Bench	£ 1,200
Bennett, O. ...	One of the Masters of the Court of Exchequer ...	1,200
Burton, Charles ...	Second Justice Court of Queen's Bench, Ireland	3,725
Ball, Right Hon. N. ...	Third Justice Court of Common Pleas ... ditto ...	3,688
Blake, Rt. Hon. Anthony R.	Chief Remembrancer of the Court of Exchequer, Ireland	2,769
Bushe, Arthur ...	Prothonotary, Court of Queen's Bench, ... ditto	1,411
Boyle, Right Hon. David ...	Lord Justice General and President of the Court of Session, Scotland	4,800
Bushe, Right Hon. C. K. ...	Lord Chief Justice, Court of Queen's Bench, Ireland	3,507
Campbell, Lord ...	Chancellor of the Duchy of Lancaster, ...	4,000
Campbell, Sir A. ...	Late Lord Chancellor of Ireland ...	3,692
Clark, R. ...	Late a Lord of Session of Scotland	3,692
Cottenham, Lord ...	Chief Secretary to Lord Chancellor Cottenham ...	1,950
	Secretary of Bankrupts, (exclusive of fees)	1,200
	Lord High Chancellor of England ...	10,000
	Speaker of the House of Lords	5,090
Cranstown, George ...	Late a Lord of Session and Justiciary, Scotland	1,800
Coleridge, Sir John Taylor ...	One of the Judges of the Court of Queen's Bench	5,000
Coltman, Sir Thomas ...	One of Judges of the Court of Common Pleas	5,000
Creswell, Sir Creswell ...	Ditto ...	5,000
Colville, Edward Dod ...	One of the Registrars of the Court of Chancery, Salary Compensation under 3 & 4 Will. 4, c. 94	2,000
		1,100

NAME.	OFFICE, PENSION, ETC.	AMOUNT. PER AN.
Colville, Edward Dod, jun. ...	One of the Registrars of the Court of Chancery ... Salary	£ 1,250
Collier, Joseph ...	Compensation ...	100
Croft, Sir Archer Denman ...	One of the Registrars of the Court of Chancery, Salary	1,800
Cancellor, J. H. ...	Compensation under 3 & 4 Will. 4, c. 94	1,100
Crampton, Philip C, ...	One of the Masters, Civil side, Court of Queen's Bench	1,200
Curren, William ...	One of the Masters of the Court of Common Pleas ...	1,200
Curran, William H. ...	Third Justice, Court of Queen's Bench ... Ireland	3,688
Clancey, James ...	Master in Chancery ... ditto	2,769
Cockburn, Henry ...	Commissioner of the Insolvent Debtor's Court ditto	1,846
Cunningham, John ...	Taxing Officer in Common Law Business... ditto	1,107
	One of the Lords of Sessions, Scotland ...	3,000
	Ditto ... ditto	3,080
Dundas, D. ...	Solicitor General ...	8,000
Denman, Lord ...	Lord Chief Justice of the Court of Queen's Bench	2,500
Dowdeswell, J. E. ...	One of the Masters of the Court of Chancery ...	725
	Compensation under 3 & 4 Will. 4, c. 94 ...	2,500
Deekworth, Samuel ...	One of the Masters of the Court of Chancery ...	1,800
Davia, Francis Henry ...	One of the Registrars of the Court of Chancery ... Salary...	100
Dwarris, Sir Fortunatus ...	Exchequer Compensation	1,206
	One of the Masters, Civil Side, Court of Queen's Bench	86
Deniell, Edmund R. ...	Recorder of Newcastle-under-Lyne ...	1,600
	Commissioner of Bankruptcy, Birmingham.	...

NAME.	OFFICE, PENSION, &C.	AMOUNT PER ANNU.
Dax, Thomas ...	One of the Masters of the Court of Exchequer ...	£ 1,400
Doherty, Right Hon. John ...	Chief Justice of the Court of Common Pleas, Ireland ...	4,612
Dumferline, Lord ...	Late Lord Chief Baron of Exchequer, Scotland ...	2,000
Dwyer, Francis ...	Late Six Clerk, Chancery, Scotland ...	1,088
Edgell, Henry ...	Late Clerk of Errors, Court of Exchequer ...	2,336
Erle, Sir William ...	One of the Judges of the Court of Queen's Bench ...	5,000
Ellison, Nathaniel ...	Commissioner of Bankruptcy, Newcastle ...	1,800
Erskine, Right Hon. Sir T. ...	One of the Puisne Judges of the Court of Common Pleas ...	5,000
Evans, Joshua ...	Commissioner of Bankruptcy ...	2,000
Ellenborough, Lord ...	Late Chief Clerk of the Court of Queen's Bench ...	7,700
	Late Custos Brevium, with Lord Kenyon, ditto ...	2,089
Farrer, J. W. ...	One of the Masters of the Court of Chancery ...	2,500
	Compensation under Act 3 & 4 Will. 4, c. 94 ...	725
Fane, Robert, G. C. ...	Commissioner of Bankruptcy ...	2,000
Farran, Joseph ...	Clerk of the Pleas, Court of Exchequer ...	1,384
Farrell, Richard ...	Commissioner of the Insolvent Debtors' Court ...	1,846
Forblanque, J. S. M. ...	Commissioner of Bankruptcy ...	2,000
Forbes, John Hay ...	One of the Lords of Session, Scotland ...	3,000
Fullerton, John ...	Ditto ... ditto ...	3,000
Gawler, Henry... ..	Six Clerks'	1,577
Goulburn, Edward ...	Commissioner of Bankruptcy ...	1,800

NAME.	OFFICE, PENSION, ETC.	AMOUNT PER ANN.
	£	
Griffith, Edward	One of the Masters of the Court of Common Pleas	1,200
Goodrich, R. ...	One of the Masters, Civil side, Court of Queen's Bench	1,200
Gould, Thomas	Master in Chancery, Ireland	2,769
Gillies, Adam	One of the Lords of Session, Scotland	3,000
	Allowance to make up Salary formerly enjoyed by him as a Judge of the Session, Justiciary and Exchequer Courts	200
Hope, Charles, Right Hon. ...	Late Lord President of Court of Session, Scotland	3,600
Hobroyd, Edward	Commissioner of Bankruptcy	2,000
Horne, Sir William	One of the Masters of the Court of Chancery	2,500
Hussey, Henry	One of the Registrars of the Court of Chancery	1,500
Harris, J. G.	Commissioner of the Insolvent Debtors' Court	350
Henn, William	Master in Chancery, Ireland	1,500
	Salary	2,769
	Compensation	184
	Salary late Civil List	355
Hudson, Thomas	Late one of Prothonotaries of Common Pleas	2,034
Hudson, William	Taxing Officer in Common Law Business, Ireland	1,107
Hope, John	Lord Justice Clerk and President of the Second Division of the Court of Session, Scotland	4,500
		3,000

NAME.	OFFICE, PENSION, ETC.	AMOUNT PER ANNU.
Jones, W. S. ...	Master on the Crown side, Court of Queen's Bench	£ 1,602
Jemmett, Wm. Thomas	Commissioner of Bankruptcy, Liverpool	1,899
Johnson, William	Late Chief Justice, Common Pleas, Ireland	2,400
Jardine, Sir Henry	Late King's Remembrancer, Scotland	1,400
Jackson, Joseph D. ...	Fourth Justice of Court of Common Pleas,	3,688
Jeffery, Francis	Cue of the Lords of Session, Scotland	3,000
Kenyon, Lord	Late Cuscto Brevium of Court of Queen's Bench with Lord Ellenborough	2,089
Kenyon, Hon. Thomas	Late Filacer, Court of Queen's Bench	496
Lilledale, Sir Joseph	Late one of the Judges of the Court of Queen's Bench	2,625
Ludlow, Sergeant	Commissioner of Bankruptcy, Liverpool	1,800
Liverpool, Earl of	Late Prothonotary, Court of Chancery, Lancaster	2,700
Langdale, Lord	Master of the Rolls	7,000
Lushington, Right Hon. Sir S.	Judge of the High Court of Admiralty	4,000
Lynch, Andrew Henry	One of the Masters of the Court of Chancery	2,500
Law, W. J. ...	Commissioner of the Insolvent Debtors' Court	1,500
Lefroy, Right Hon. Thomas	Fourth Baron of the Court of Exchequer, Ireland	3,688
Lyle, Acheson	Second Remembrancer	2,000
Ludlow, E. ...	Commissioner of Bankruptcy	2,000
Maule, Sir W. H. ...	One of the Judges of the Court of Common Pleas	5,000
Moneypenny, David	Late Lord of Session and Jury Commission, Scotland	2,400

NAME.	OFFICE, PENSION, ETC.	AMOUNT PER AN.
Miller, Sir Wm.	Late Lord of Session and Jury Commission, Scotland	£ 2,226
Methold, H.	One of the Masters of the Court of Common Pleas	1,200
Monro, Cecil	One of the Registrars of the Court of Chancery	1,250
	Compensation	100
Moore, Arthur	Late Justice Clerk of Common Pleas, Ireland	2,400
Maconochie, Alexander	One of the Lords of Session, Scotland	3,000
Mackenzie, Joshua Henry	Ditto	200
	Salary	3,000
	Allowance to make up Salary formerly enjoyed by him as a	200
Moncrieff, Sir J. Wellwood	Judge of the Session, Justiciary and Jury Courts	3,000
Murray, Sir John A.	One of the Lords of Session, Scotland	3,000
	Ditto	2,000
Nicholl, Right Hon. John	Judge-Advocate General	5,000
Pattison, Sir John	One of the Judges of the Court of Queen's Bench	40
	Receives, in addition, as second Judge of the Court, a termly allowance of 10 <i>l.</i> or 40 <i>l.</i> per annum, under the provisions of 6 Geo. 4, c. 84, s. 7	5,000
Parke, Right Hon. Sir J.	One of the Barons of the Court of Exchequer	1,800
Perry, H. J.	Commissioner of the Court of Bankruptcy, Liverpool	7,000
Pollock, Rt. Hon. Sir F.	Lord Chief Baron of the Court of Exchequer	1,000
	Allowance in lieu of Fees for Criminal Business	2,000

NAME.	OFFICE, PENSION, &C.	AMOUNT PER ANN. £
Phillips, Charles	Commissioner of Insolvent Debtors' Court	1,500
Park, A. A.	One of the Masters of the Court of Common Pleas	1,200
Perrin, Right Hon. L.	Fourth Justice, Court of Queen's Bench, ... Ireland	3,688
Pennefather, Richard	Second Baron, Court of Exchequer ... ditto	1,384
Plunket, Hon. David	Prothonotary, Court of Common Pleas ... ditto	4,612
Pigot, Hon. D. R.	Lord Chief Baron, Ireland	1,551
Platt, Samuel and Joshua	Late Joint Clerk of the Papers, Court of Queen's Bench	5,000
Rolfe, Sir R. M.	One of the Barons of the Court of Exchequer	900
Russell, William	Accountant-General, Court of Chancery	600
	One of the Masters ... ditto	2,314
	From Brokerage, after deducting 150 <i>l.</i> paid into Suitors' Fund, under 5 Vict. c. 5, s. 60	3,160
Ray, H. B.	One of the Masters of the Court of Common Pleas, and late one of the Prothonotaries	2,500
Rose, Right Hon. Sir George	One of the Masters of the Court of Chancery	2,000
Richards, Richard	Ditto	2,000
Reynolds, H. R.	Chief Commissioner of the Insolvent Debtors' Court	1,870
Robinson, Charles F.	Clerk in Court of Queen's Bench	3,688
Richards, S.	One of the Masters of the Court of Exchequer	3,000
Richards, Right Hon. J.	Third Baron of the Court of Exchequer, Ireland	1,387
Redcliffe, Right Hon. J.	Judge of the Prerogative Court	3,964
Rutherford, A.	Her Majesty's Advocate, Scotland	
Smith, Right Hon. T. C. B.	Master of the Rolls, Ireland	

NAME.	OFFICE, PENSION, ETC.	AMOUNT PER ANN. £
Shadwell, Rt. H. Sir Launcelot	Vice Chancellor of England	6,000
Sherwood, Thomas	Chief Clerk to the Master of the Court of Common Pleas ... } Salary and Fees received as registrar	2,247
Sanders, G. W.	Chief Secretary to the Master of the Rolls	1,371
Sturgis, Samuel	Provisional Assignee of the Insolvent Debtors' Court, Salary	100
	Fees	1,172
Shepherd, H. J.	Commissioner of Bankruptcy	2,000
Sugden, Right Hon. Sir E. B.	Late Lord Chancellor of Ireland	3,692
Stephen, Mr. Sergeant	Commissioner of Bankruptcy, Bristol	1,800
Stevenson, R.	Ditto	1,800
Stewart, William	Registrar of the Prerogative Court, Ireland	2,417
Senior, Nassau William	One of the Masters of the Court of Chancery	2,500
Skirrow, Walker	Commissioner of Bankruptcy, Manchester	1,800
Stephen, Henry John	Ditto	1,800
Stephenson, Richard	Ditto	1,800
Turner, R.	One of the Masters, Civil side, Court of Queen's Bench	1,200
Torrans, Robert	Second Justice Court of Common Pleas, Ireland	3,698
Townsend, John	Master in Chancery	2,769
Turton, William	Six Clerks	1,577
Tottenham, Edward Vernon	Six Clerks	1,577

REFORM OF THE LAWS.

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NAME,	OFFICE, PENSION, ETC.	AMOUNT PER ANN.
Wightman, Sir William	One of the Judges of the Court of Queen's Bench	£ 5,000
Wingfield, W.	One of the Masters of the Court of Chancery	2,500
Wilson, Sir Giffin	Compensation under 3 and 4 Will. IV. c. 94	725
Wilde, Rt. Hon. Sir Thomas	One of the Masters of the Court of Chancery	2,500
Williams, Mr. Joshua E.	Compensation under 3 and 4 Will. IV. c. 94	725
Vaughan	Lord Chief Justice of the Common Pleas	8,000
Walker, Robert Onebye	One of the Judges of the Common Pleas	5,000
West, M. J.	One of the Registrars of the Court of Chancery	1,800
Wood, Hugh	Compensation	350
Walker, Edmund	Commissioner of Bankruptcy, Leeds	1,800
Walter, W. H.	One of the Registrars of the Court of Chancery	1,500
Wright, Thomas Guthrie	Compensation	350
Walker, Edmund	One of the Masters of the Court of Exchequer	2,054
Walter, W. H.	Ditto	1,200
Wright, Thomas Guthrie	Auditor of the Court of Session, Scotland, Salary	700
Wynford, Lord	Compensation	319
Watlington, George	Late Chief Justice, Court of Common Pleas	3,750
White, Thomas	Late one of the Prothonotaries of the Common Pleas	2,055
	Late Side Clerk of the Court of Exchequer	1,114

• COMPENSATIONS UNDER THE SIX-CLERKS' ACT.

Returns of the SALARIES received by the Taxing-master of the Court of Chancery during Three Years; and the Amount of COMPENSATIONS they received under 5 & 6 Vic. c. 103, during the same period, as late Sworn-clerks.

Henry Ramsay Baines, for salary and compensation	£ 22,511
Robert B. Follett, for salary	6,527
George Gatty, for salary	6,527
For compensation	17,078
Philip Martineau, for salary	6,527
John Wainwright, for salary	6,527
For compensation	13,025
Richard Mills, for salary	6,527
For compensation	14,049

We have remarked, page 3, on the lavish arrangement sanctioned by Lord Chancellor Cottenham under the Six Clerks' Act, but the exhibition of the actual results by the parties themselves, during the first three years of their probation under the pinchings of equity reform, give rise to additional reflections. It is one of the richest and most successful jobs in its way that we can call to remembrance. Mr. Henry Ramsay Baines is only in the thirty-second year of his age, and if blessed with health and length of days may prove, at the current rate of pecuniary absorption, a serious drain on the suitors for justice in the Slough of Despond. Mr. John Wainwright is somewhat older, he is in his forty-second year, and has already evinced unusual aptitude and locomotive activity in drawing a bill of compensations. He it was who, in concert with Mr. Plunkett, spent nights and days in the Stone-buildings, weaving the conservative clauses of the Six Clerks' Bill, in so adroitly linking together its "afore-

said" and "so forths," that nobody has yet been able to discover any loophole or error in its well-knit concatenations. He has not, however, realized so much under it as Mr. Gatty, who is three or four years older, and has received 17,078*l.* Altogether, the four taxing-masters—*taxing masters* they are, and no mistake!—have received 26,108*l.* in salaries, and 64,146*l.* for compensations, making a total of 87,254*l.* in three years. How much they will receive during the remainder of their lives, and for *seven years* longer, for—

"E'en in their ashes live their wonted fires"—
is a question of probabilities for Mr. Finlaison to determine.

XI.—CONCLUSIONS ON LAW REFORM.

We have now examined the laws of England under different aspects, and we think that the reader who has favoured us with attention will concur in our conclusion, that they do imperatively need a thorough reform in letter, spirit, and judicial administration, as well as in mere practical execution and forensic exhibition. Under these several forms, and they comprehend all, or nearly all, the forms under which laws can exist, it is hard to call to mind a single presentment in which they are entitled to special commendation. They do not, so far as we can recollect the preceding exposition, comprise a single attribute—whether in respect of popular access and intelligibility—despatch and economy of procedure—equal dispensation of justice to all classes—certain and uniform enforcement—that any modern legislature would adopt or retain for the guidance of a civilized community. They do not, in fact, dispense justice, but wrongs to the people; they do not protect society, but distress and plunder it; they do not aid the weak, but leave them helpless; or

crush them to the earth. They do nothing in the just, apt, and rational manner that humanity would suggest, or reason dictate; and remain a mass of such crude institutes in language, compilation, and execution, as to answer no one purpose for which any body of living men would frame laws for the peace, order, security, and well-being of a community.

Our wish is not to utter libels, but useful truths. These are our general conclusions, and are submitted as such; but if we are thought wrong in our deductions, we crave to have answered the following questions:—

Do the laws protect *property*? Has not one of the first legal authorities of the age declared, that "no title whatever can be held to be perfectly safe." Are then, we inquire, all these rolls of parchment, with their massive seals, mystical indentings, and costly words one inch apart, not to be implicitly relied upon for the security of estates? Do those numerous bronze cases, under lock and key, and fire proof withal, which are so ostentatiously paraded with the owners' names, in the offices of conveyancers, solicitors, and parliamentary agents, contain nothing save worthless skins? Will all those heavy bills of charges incurred by the gentlemen of England in leases, mortgages, entails, feoffments, liveries in seisen, and private acts of parliament prove unavailing at last for the security of themselves and posterity? Have all the vast sums with which they have enriched the *Trappists* of the law been obtained under false, deceitful, or illusive pretences? If it be so, and the grave authority of a Lord Chancellor has left it to be so implied, is it not time that men of property awoke from their mesmeric or etheric trance, to throw off the incubus which has so long oppressed and defrauded them? But insecurity of title is not their sole evil. The use of property, its enjoyment

d improvement, are impeded by the law. Expensive aids of conveyance, parliamentary fees and charges, the cost of parchment, and of a barbarous phraseology inherited from Norman French, less barbarous or not at all, tax and abridge the free exercise of the rights of ownership. But we leave the subject for our next interrogatory.

If property be insecure, are *persons* protected? Often very unfairly and inadequately. We shall say nothing of the laws of assault, which give comparative impunity to rich ruffians, and very frequently to ruffians who are not rich. Neither shall we dwell on the unfair advantages the rich possess in trial, defence, or prosecution; nor on the means they command for escaping from justice altogether, even for atrocious offences, by tendering a delusive pecuniary security. Passing over these inequalities, let us consider how many notorious murderers have escaped punishment within the last twenty years from legal defects—from mere misnomers—flaws in indictments—or technical errors of jurisdiction and process. It is not many years since this ludicrous scene was acted in the Supreme Court of criminal law in the kingdom. Three burglars appeared before the Court of King's Bench, on a writ of error, and claimed their discharge on the ground that they had been sentenced to be *transported* by an inferior court, when they ought to have been sentenced to be *hung*. The Court allowed the validity of the plea, and the prisoners were liberated.* Could this be law, or a rational criminal administration of it? Ought offenders, who on their own confession ought to have suffered death, to be allowed to escape all punishment from a mere mistake of sessional jurisdiction? But though the law is sometimes so indul-

* *British History*, May 27, 1837.

gent to great delinquents, it is frequently very unpitiable towards small ones. Against juvenile offenders it is often enforced with severe and abundant unfeelingness. Let a child, or infant—say ten years old or under—be detected in stealing a turnip, fruit from an orchard, or firewood from a hedgerow or woodside, and it has little chance of escape from justice's justice—imprisonment, whipping, or solitary confinement.

If property be unsafe; if people in their persons be inadequately or unequally protected, is national *trade* and *industry* promoted by the law? The stimulus and fruits of industry, we have seen are insecure, and the industrious are personally obnoxious to wanton injuries, without equal or adequate redress. Our next inquiry is, are they protected in their occupations, or exposed to a vexatious system of legal oppression and abstrusion? Upon this opening, it would be easy to set forth a whole volume of public grievances, but we shall only briefly indicate them. The revenue-laws which impede external commerce, we pass over, because a sincere disposition to reform them has been recently evinced; but the laws which interfere with internal trade and manufacture have been little mitigated. The excise-laws, for instance, continue an omnipresent vexation and annoyance. Informations for infractions of these are filed in the Court of Exchequer, for the real or supposed evasion of excise-duties. Prosecutions are almost invariably instituted, either on the testimony of hired spies, or the excise-officers. They form a principal source of emolument to the law-officers of the Crown. Every prosecution costs the country fifty guineas. Of this sum ten guineas are for a brief to the Attorney-General; to the Solicitor-General,

en guineas ; to two counsel eight guineas each ; two other counsel four guineas each ; and to the court-crier 6*l.* 13*s.* 6*d.* Let the case be ever so simple, this is the usual array of counsel which appears for the Crown, and against which the accused has to contend. In one year there have been no less than 761 informations under the excise-laws, the law-expenses of which amounted to 120,000*l.* The solicitor for the excise has almost unlimited power in these matters, and often exercises the functions of both judge and jury. The petitions that are sent to the Board are referred to him ; and which, for the sake of his own share of emolument, it is his interest to reject. Not less objectionable is the power vested in the Board, or the Lords of the Treasury, to mitigate penalties, or stay proceedings against offenders at their discretion. The case of Leaf and Coles, the extensive dealers in contraband silks, some years since, was a remarkable instance of the exercise of this discretionary power. The illicit transactions of these persons had been to an enormous extent, to the great detriment of the home-manufacture, and the ruin of the fair trader. The penalties they had incurred by their illegal practices amounted to 25,000*l.* ; but the Lords of the Treasury compromised with the delinquents for 20,000*l.* and returned them their smuggled silks, valued at 5,000*l.* more.

Some of the most useful classes of society are at the mercy of this capricious judicial administration, and are sometimes dragged into the Court of Exchequer without knowing for what offence, when it had been committed, or who is the informer. Maltsters, paper-makers, soap-makers, brewers, licensed-victuallers, tobacco, snuff, and glass-manufacturers are especially obnoxious to such visitations. Under them they cannot exercise their industry and carry on their business operations with

science and advantage. Under the pretext of guarding against frauds in the revenue, they are subjected to domiciliary visits at all hours, or they are restricted and controlled in their modes of manufacturing. The proceedings of the Court of Star-Chamber, or *lettres de cachet*, in France were hardly more reprehensible than many which have often occurred in this country, to uphold an oppressive fiscal system. Much of the evil has resulted from the endeavours of the aristocracy of legislature to throw a disproportionate share of public burdens on the productive classes, by taxing heavily all articles of general consumption. Soap, spirits, tea, and tobacco, are the chief articles in which frauds are apprehended, and these are respectively taxed 50, 100, 520, and 900 per cent. on the cost price. It is the high amount of duties which renders smuggling and adulteration so profitable, that all attempts to suppress them, except by reduction of duties, must prove inadequate.

We have thus adverted to the three great interests of society—property, personal security, and native industry—in which the laws have been found to be eminently defective, or obstructive and detrimental. To whom, or what interest, then, are their existing imperfections to be ascribed, as most profitable and advantageous? Undoubtedly to the profession at large—to the bench, the bar, judicial officers, and the numerous host of conveyancers, special pleaders, parliamentary agents, solicitors, attorneys, draftsmen, law-booksellers, and law-stationers. Against the interests of these are the interests of all the rest of the community in direct antagonism. From the former it would be vain to expect general co-operation in legal reform. Their business is not to mend the laws, but to live and get rich by them. Their education, invested capital and stock in

de; their present employment, perhaps popularity, and future prospects are all bound up and at stake in the existing abuses of jurisprudence. The results have been such as have been forcibly illustrated in the preceding pages. All law reforms by lawyers, or those identified in interest with or influenced by lawyers, with some rare exceptions, have proved inefficient, elusive, or jobs, aggravating in lieu of mitigating the pre-existing disorders.

It is the people only, in concert with their unprofessional representatives, by whom a radical reform of jurisprudence can ever be obtained. To all the sophistical or selfish declarations that the task is unsuited to or beyond the powers of the *unlearned* may be made this short and decisive answer. Laws that ordinary people cannot understand, both in precept and mode of administering, are bad laws, and the sooner they are got rid of the better. Laws ought not to be a craft or trade, in which only a particular class or caste is interested. They are a general concern, pertain to every class and order in almost every movement and daily occupation of their lives; and they ought to be made so intelligible as all may comprehend them, and so accessible that all who need their aid may obtain it, resort to them as their guide, shield, or avenging arm. But the profession recoil at this interpretation of their end and purpose. They wish to make a calling or subtle craft of them, to traffic in men's rights and wrongs, and make a fruitful source of gain of them. Hence their love of useless forms, technicalities, verbiage, and chicanery, and their hatred of simplicity, general principles, and judicial science.

Against all such old fashioned mockeries, the people have an opposite interest, which they must assert and maintain. They must make a stand—it is high

time—against legal wrong, plunder, and usurpation. They must not from a mistaken sense of inferiority succumb to fluent talk and arrogant demeanour; they must not think themselves unworthy beside those whose chief art is imposture—who disguised in horse hair and *wizard* costume, like Turkish dervishes—seek a gainful, though not very honourable livelihood in *loaning* out their tongues, in exchanging lies, oaths, protests, impious appeals, and simulated passion for guineas; and whose daily occupation of speech-making consulting, and answering has hardly more use, dignity, intellect, or sense in it than that of the monkish scribes and alchymists of the fourteenth century. I those for whom we write will be so far false to themselves—so far *repugnant* in nature—we can only say they merit all the contumely with which they have begun to be treated, and all the plunderings of which they have long been the victims from a class which a vulgar prosperity has intoxicated with pride, and elevated into a mischievous and undeserved social preponderance.

We will not however, say that the legal profession have no interest in law reform. They have an interest, but it is a honourable interest; the interest of patriots, and good men, in which they may not feel much sympathy. But through it they would become a much more trustworthy and estimable class of society. They would escape, too, that remorse and self-humiliation in retirement, which some of them are known to have both felt and expressed, when, separated from forensic strife and excitement, they reflected on the number of honest men that had been ruined, the number that had been unjustly withheld from their rights, and the number that had wrongfully escaped, or ignominiously suffered punishment—by the successful exercise, in chambers and at the Bar, of their unscrupulous arts.

THE Executive Government.

Unconstitutional Novelty of Government by a Cabinet—Conflicting Interpretations relative to its Formation by Sir Robert Peel and Lord John Russell—Obstructions they offer to Good Government—Functions of the Crown usurped by the Aristocracy—Prime Minister, Anomalies in his Appointment and Powers—Evils from Sudden Changes and Uncertainties in the Duration of the Executive—Remedies Suggested—Government Departments—Treasury, Exchequer, Secretaries of State, Admiralty, War Office, and Board of Control—List of Salaries, Fees, Pensions, and Emoluments in the Government Offices.

It can hardly be an exaggeration to say, that, in all the moral and material elements of political ascendancy, the British Empire is the greatest in the world. In the magnitude and diversity of its resources, it immeasurably exceeds the most flourishing of the states of antiquity; but its predominance is not so indisputably established. In her meridian days, Rome had no rival—hardly any neighbour or distant state that would dare to refuse obedience to her edicts; but there are many, perhaps the entire of the continental powers, each of which, though relatively inferior to Britain, would at once, singly or in confederacy, resist her in any attempt at imperial dictation. It is not likely the world will be again gathered under one sceptre; it has become too extended in limits, too multifarious and heterogeneous in interests, and too much separated by varieties of climate, habits and civilization, ever again to be subjected to one homogeneous rule. But though neither England nor any state can assert any claim to universal sovereignty, there can be no doubt but that she stands at the head of

modern communities. From the vastness of her own territory, the number of her subject population, and her widely-extended influence in every part of the globe, it is certain that no other state exists, on the wisdom of whose political administration so large a mass of human weal or woe is dependant. It follows, that in no other country does an inquiry into the fitness and adequacy of her supreme government to provide for the general welfare, form so serious and important a subject of investigation.

What, then, is the nature of the Executive Government of England? Of whom does it consist? How is its authority derived, and to whom is it responsible? These are grave questions, and require to be deliberately answered.

At the head of the British monarchy is the Queen of England, whom the vicissitudes of hereditary succession have elevated to her high station. Does her Majesty govern the realm—make peace or war—manage the legislative assemblies—select the great officers and ministers of state—of justice, police, finance, the colonies, and ecclesiastical affairs—and frame measures, beside, for the external and domestic peace, order, and prosperity of the country? It would be idle to answer these questions, because every one can answer them for himself. The Queen is known to be an exemplary female—the model of her sex—gracious and condescending beyond the best of her predecessors—but no one associates with her name those acts of government. They are known not to be hers; no one considers them as such. Even the theory of the constitution exempts her Majesty, and has wisely, and in this instance happily, fixed upon others the responsibility both of the conception and executive ministry of public measures.

It is not, then, the sovereign, but the sovereign's ministers, who really govern, and are responsible for the political administration of the empire. It is in the CABINET that the sovereignty has become vested, and which, for the time being, exercises its functions. This opens a new feature both in the theory and practice of the English constitution. In times past, we read of a government of King, Lords, and Commons; we read, too, of the Privy Council of the crown, and of regal acts and proclamations, sanctioned and issued under its authority; but the Cabinet is a new estate of the realm, of which history hardly takes notice. The name, we know, is not new; it is as old as the Stuarts, at the least; but it is only of late years that the virtual, responsible, and Executive government of the kingdom has become exclusively identified with this select body of public functionaries.*

* According to Mr. Hallam, the name of a Cabinet Council as distinguished from the larger body of the Privy Council, may be found as far back as the reign of Charles I. Both the name and the thing appear to have been derived from France, the princes of that country governing by what was called the *Conseil du Cabinet*, or Council of the (King's) Closet. Charles II., who is known to have had a strong predilection for the arbitrary forms of the French monarchy, and disliking, as Clarendon says, "the delays and decencies of a regular council," allowed his Cabinet to frame measures for his approval, ere they were laid for a merely formal ratification before the Privy Council. It was the reproach of William III.'s government that he ruled too much under the advice of his Cabinet, to the exclusion of the more general and constitutional councils of the realm; and to such an unpopular excess did he carry this closet administration of public affairs, that in some of the most important transactions of his reign, he took only one or two of his ministers into his confidence.

We have thus arrived by analysis at the Executive Government of the country; it is the Cabinet Ministers; and who they are—how their authority is derived—and under what conditions and tenure of office it is exercised, become vital topics of research.

It might be thought, that, as the Cabinet forms the Executive Government of the Crown, it would consist only of its chief executive ministers; as the persons who, being occupied in the administration of national affairs, would most likely be best acquainted with them, and most justly responsible for them. But this is not the uniform rule of its construction. There have been Cabinet Ministers who filled no executive office whatever; as was the case with the late Lord Sidmouth in 1822; the present Earl of Carlisle, in the Grey Ministry; and with the Duke of Wellington, for a considerable period under that of Sir R. Peel. It is not function, then, that determines the *status* of a Cabinet Minister, nor is it official dignity or rank. The late Lord Hill was Commander-in-Chief of the Forces many years, but never held a seat in the Cabinet; while Mr. Macaulay, who was only Secretary-at-War, was a Cabinet Minister, and is a Cabinet Minister again, as Paymaster-General, though his predecessor in the same office, under the late Government of Sir R. Peel, was not. Lord Campbell is in the present Whig Cabinet, though filling only a legal sinecure, and never before discharging ministerial duties.

This is one of the uncertainties in the construction of the Cabinet. It depends partly on the offices held by its members—a First Lord of the Treasury, Chancellor of the Exchequer, or Secretary of State, never being excluded; but it depends also on other contingencies, on the supposed political influence, ability, experience,

or wisdom of a member; or perhaps merely on the personal favour or predilection of his colleagues. It has other uncertainties; the total number of members of a Cabinet is as unfixed as its official representatives, varying from nine or eleven to a dozen or sixteen.

There, is, however, one peculiarity in its formation still more remarkable. It has no *fixed period of duration*. The regal office is hereditary, as are the legislative functions of the Peerage; the judges are appointed for life; even the representatives of the people have a seven years' lease, unless sooner dissolved, but Cabinet Ministers have no certain term, neither for life, years, nor hardly a moment. They are here to-day, and gone to-morrow, and the humblest menial holds his or her place by a less precarious tenure. A caprice of the sovereign may eject them; a vote of the House of Commons disqualify them from carrying on the Government; or they may fall to pieces from internal dissensions. This undoubtedly constitutes a great defect in the practical working of the English Government, as such uncertainties in the duration of power impair all stabilities of rule, and not only prevent the carrying out, but often the mere conception and maturing, of plans of public benefit. It is a weakness peculiar to constitutional monarchies; no ancient or modern commonwealth ever tolerated such instability in its Executive; whether the chief magistrate was Consul, Dictator, President, or Stadtholder, he had always assigned to him, as a necessary condition for the salutary exercise of his authority, a determinate period of official existence.

Not only is a British Cabinet the most uncertain in duration of all imaginable entities, but whether an old

one shall cease to exist, and a new one be created, often forms a perplexity dependent on the most unsettled and questionable contingencies. For example, in 1839 the Queen sent for Sir Robert Peel to form a new Ministry; but he refused, because he could not have the nomination of the Ladies of Her Majesty's Household. This was Sir R. Peel's version of a premier's rights under the constitution; but Lord John Russell and his colleagues interpreted them differently, and they mooted the point in a Cabinet council. According to the conclusion they arrived at, and which was certainly most accordant, whether meant or not, with the known inclinations of the Queen, and, it is likely, their own beside, the rule of changing the servants of the royal household on a change of ministry did not extend to *ladies*, only to such domestic servants of the sovereign as were Members of Parliament, and, of course, the people's representatives. In consequence, the Whigs were suffered to carry on the Government two years longer, though unable to carry the measures they considered necessary to the public welfare; and which, according to another constitutional rule of Sir R. Peel, disqualified them for the Executive Government. True, it was on this latter maxim, that the Whigs were at last driven from power in 1841,* and it was precisely on the same principle that Sir R. Peel acted in dissolving his ministry last year; namely, that from the junction of the Bentinck and Russell sections of members in the Commons, he was not in a condition to carry the public measures he deemed expedient. The minister might be right, or he might be wrong. Mr. Pitt, when he first became Premier, certainly acted differently; when unable to

* House of Commons, May 29, 1841.

and a parliamentary majority, he did not dissolve ministry, but dissolved the Parliament. Still we Sir R. Peel acted on a sound constitutional principle; since it is manifest that the best ministry, if it is supported by the House of Commons, can only wish but do nothing, which is a state of things that not to be tolerated in any Executive Government. We see in what a precarious state the public is left by these conflicting interpretations of ministerial privileges and constitutional usages. In Sir R. Peel refused to form a Cabinet, and when a Government he deemed inadequate, and especially unfit for the public service, to carry on, for years, the political management of this great state, merely because the Queen would not dismiss her robe and bedchamber women, leaving to him the choice of their successors. It can hardly be necessary to adduce further proofs of the defective principles on which the Executive Government of the kingdom is constituted, or on the vague and trivial constructions on which its existence or non-existence, its permanence or dissolution, is dependent. The making and unmaking of Cabinets has, in truth, formed one of the most fertile sources of political intrigue, embarrassment, and obstruction, that the nation has had to deal with. In consequence of embroilments from this source, the Government of the country has been suspended for days, and weeks, and months; there has, at times, been no Government at all; the Sovereign has no servants; and there has been no ostensible or responsible state organ to answer a single question, however urgent it might be, put by the assembled Parliament on the nation's affairs. Sometimes the country has not been left entirely without a Government, but

has had a fractional part of one—a half or a quarter: there has been a Lord Chancellor—for they are always to be had—and perhaps a first Lord of the Treasury, but they have had, nobody to help them; and, in consequence, the seals of two or three public departments have been entrusted to the same individual. In the reign of Queen Anne, the Duke of Shrewsbury held, at once, three of the highest places of trust and honour under the Crown; being, at the same time, Lord Treasurer, Lord Chamberlain, and Lord Lieutenant of Ireland; and the Duke of Wellington, after the dissolution of the Melbourne Cabinet in 1845, was placed in a similar predicament, pending a ministerial interregnum, holding the seals of all the chief public departments. At one period, under William III., it was the policy of the Sovereign to draught his Cabinet equally from both sides of the House, matching Whigs and Tories fairly against each other in equal numbers, and leaving them to rail and worry, in council and in Parliament, *ad libitum*. The Earl of Chatham attempted a composite ministry, selecting them, indifferently, from all parties, and which gave rise to the eloquent description by Burke, often quoted, of the “Mosaic Cabinet.” None of these principles of construction appear to have succeeded. The application of the principle of the arch, or of a mutual balance of parties in the Cabinet, was found, from the unceasing explanations and controversies of its members, too great an obstruction to public business, and the expedient was next tried of composing the Cabinet entirely of one or the other class of politicians, who were agreed at least on all great questions; so that there might be a likelier chance of peace and agreement in Council, if not in the Legislature. But an

exception was soon made to this rule of construction, by the toleration of *open questions*: that is, the Cabinet was so composed, that its members were all, in the main, of the same political type, but on certain public questions they would agree to differ, and to speak and vote in Parliament either concurrently, or on opposite sides. It was on this principle the question of Catholic Disabilities was dealt with, in the latter years of the reign of George IV., Mr. Canning being granted freedom of utterance and action as a Pro-Catholic, and Sir Robert Peel as an Anti-Catholic. At present, the Short-time Bill is an open question in the Cabinet, and ministers speak and vote on different sides. Such ministerial tolerance of sentiment is, perhaps, expedient and unavoidable; but it is a partial return to the former rule of a divided Cabinet; and if the exceptional question happens to be one on which a strong feeling is abroad—and it is mostly one of that class—and not likely to be promptly decided, it renders impossible the existence of a powerful Ministry for any considerable period.

Having thus endeavoured to explain, as briefly as possible, the working and weakness of what may be termed Cabinet rule in England, we will, before offering any suggestion for such disorders of the Executive Government, bring under the notice of the reader another comparatively recent novelty of the Constitution, almost as strange as the existence of the Cabinet itself. This is, the appointment, office, and powers of the **PRIME MINISTER**.

The sovereign ought to be the Prime Minister of the country, as he is the prime prosecutor for all public offences. But this has long ceased to be the case in England, though it is reported to be otherwise under

Louis Philippe, in France ; it having, for two centuries, at least, among us, been the rule for the prince to select some individual, chiefly, perhaps, recommended by agreeable manners and address, like a Cardinal Wolsey or a Villiers ; or it might happen, if the Sovereign were of a superior cast, that persons of worth and ability were chosen—a Burleigh, Walpole, or Chatham—to whom the monarch gave his confidence, and left the chief management of public affairs. Under the first princes of the Hanover family, the employment of a Prime Minister was almost unavoidable, they being little acquainted with the customs and manners of the country, or its principles of government, and even unable, as was the case with the first two sovereigns, to speak the English language. With them, therefore, the selection of a guide, interpreter, and friend, who, in state affairs, and in their intercourse with the people, might act as regal substitute, or middleman, was an indispensable necessity. But the case was less urgent with George III., who was born and educated in the country, and more familiar with its usages, language, and polity, and who, in consequence, on his accession, both was, and considered himself to be, more able to go alone. His efforts, however, to throw off the ministerial dependence of his predecessors, though aided and stimulated by the strenuous advice of his mother, the Princess-Dowager, and Lord Bute, proved unsuccessful. For almost a century, one or other of the aristocracy had had the entire government of the realm, which they conducted with profit to themselves, if not the people ; and they were loth to part with the exercise, in the king's name, of sovereign power. In consequence, both Whigs and Tories, though bitterly opposed and hostile to each other, promptly united their bands

to thwart the intention of George III. to be his own minister, by emancipating himself from aristocratic pupillage and dictation.

The struggle that ensued between the Court and the Coteries proved a sharp one; and though the monarch was defeated, he obtained what is not unusual in rebellious movements, either pending them, or subsequently, some concessions in his favour. The yoke of the factions was lightened, though not thrown off, and both George III. and his immediate descendants exercised a greater freedom in the choice of their Ministers than was ever permitted to any of their ancestors on the English throne. At present, from obvious circumstances in the succession of the monarchy, the appointment has again become less regal; but it has been seen that Queen Victoria, on one occasion, prolonged the duration of a Ministry for two years, despite of parliamentary intimations that they had already existed long enough, and that the public would be benefited by their resignation. But this was a peculiar case, the issue of which, it is likely, resulted less from a want of power in Parliament to bend the royal will, than reluctance to exercise it, in a matter of so much delicacy as the Queen's choice of her female domestics. The autocracy, however, of the Corinthian order of politicians, has certainly been interfered with; and though patrician influence is still predominant, and it is from its ranks that the Prime Minister of England continues to be selected, yet it has undoubtedly ceased to designate, so imperatively and exclusively as formerly, who shall be the *locum tenens* of royalty. The nomination to this responsible appointment pertains to the Reformed Parliament, certainly chosen, more than under the Georges, by the people; and it has unquestionably ceased to be

wholly the grandees of the realm, and become far more the choice of the Lower House of Legislation, that now determines who shall be the imperial viceroy.

Without indulging, therefore, in further circumlocution it may be conclusively affirmed that the Prime Minister is the person whom the House of Commons so delights to honour. Having thus reached the present origin of this potent official, let us next consider some of his most striking attributes.

The name is French (*Premier Ministre*), like the Cabinet, and partakes of its constitutional anomalies. Sir Robert Walpole disliked the term, and in a speech (Feb. 3, 1741), in reply to a motion for his removal, after holding the office twenty years, said, "Having first conferred upon me a kind of *mock dignity*, and styled me Prime Minister, they (his opponents) carry on the fiction which has once heated their imagination, and impute to me an unpardonable abuse of that *chimerical* authority." The name, however, has ceased to be a *mockery*, and the authority *chimerical*: it is a substantive office, the most powerful in the State, and, for the time being, an embodied presentment of the monarchy itself, virtually exercising, while the gauds, pomp, pageantry, title, and ceremony are elsewhere, the chief prerogatives of the crown. In the appointment to other offices, some form or token is mostly used—a *baton*, wand, gold stick, seal, or signet is delivered; but in the selection of a Premier—the most conspicuous and influential of public functionaries—no such forms or symbols of authority are employed. All that the Queen does, is to send for the fortunate individual whom a majority of the House of Commons has denoted as most fit, able, and willing to serve her Majesty. Throwing the handkerchief-is, in Eastern courts, the mode adopted

to indicate royal preference and promotion. George IV. gave Mr. Canning his hand to kiss when he made him Premier; it was on the memorable occasion when seven of the honourable gentleman's former colleagues sent in their resignations within eight hours, rather than bow to his supremacy. These Mr. Canning took to the king, and, laying them *en masse* before him, said, "See here, sire, what disables me from executing your Majesty's will." The king, says his biographer, "gave him his hand to kiss, and Mr. Canning was Prime Minister." The usual course, at present, is for the Queen to send for the elect to Windsor or Osborne House: the mere sending for a person pending a ministerial orgasm nearly consummating the creation of an English Premier. What chiefly remains for the Minister to do after this easy performance, by an express train, is to make choice of his own place, filling up the rest with such friends and connexions as he considers most able and willing to support him.

The transition state, however, is not always got through so easily. As there is no law to regulate the creation of a Prime Minister, any more than of a Cabinet, unexpected difficulties sometimes occur. The Premier's allocation of places among his intended colleagues may be displeasing to some of them, as indicating undue individual preferences, or from not being commensurate with their own estimates of their abilities and services; or from the places offered not being compatible with ulterior schemes of official ambition. On the occasion just adverted to, when Mr. Canning had the dispensation of the loaves and fishes, he tendered to Mr. Brougham the Mastership of the Rolls, which the honourable member declined as a *fix*, intercepting his way to the woolsack. Mr. Macaulay at one time

considered the Secretaryship-at-War an inadequate recompense for his tropes and figures, unless conjoined with a seat in the Cabinet, and the anticipated *écclât*, we presume, of dating his private letters from Windsor Castle. Pretensions still more embarrassing than these may be put forward; the Premier's own place may be aspired to, by some lurking or embryo Prime Minister; another Richmond may be in the field—who, from long and unrequited services in the ranks, and the command of Parliamentary force, may feel warranted in looking up to the leadership. This is the most perplexing dilemma of all; it unsettles everything, and can rarely, by any mode of solution, have other than damaging issues. For the chosen of the Commons voluntarily to retire from the field, can hardly be an agreeable or honourable alternative; and supposing, on the other hand, that the rival claimant is quieted for this turn, without open defection, or half unfolding a hostile banner on the cross-bench—still, after such pretensions have been obtruded and remain unsatisfied, solid peace is seldom made; it is hollow at the best, a kind of armed truce; and a swarm of either lukewarm supporters or sulky malcontents is always generated in the parent hive, and which lies in wait, watching for an opportunity for a fresh rupture, or an excuse for open severance or disagreement.

There is still one further perplexity that may attend the Premier in the formation of his Cabinet, and which it is material to notice. Constitutional writers mostly inculcate that the Sovereign has the sole appointment of his Ministers; but this, as most people know, is only the idle theory taught in schools and colleges, and is very different, both from actual practice, and the general understanding in the clubs and coteries of Westminster.

This point was forcibly elucidated, pending the short-lived Goderich administration. George IV. was very fond, as the saying is, of "riding the great horse," and did ride it, sometimes, more imposingly than any of his predecessors; but he was not always allowed to indulge in the license of choosing his own servants. The ministerial adventure of Mr. Herries is an example. This gentleman, by some means, had got shuffled among the Ministry as the Chancellor of the Exchequer, to the great mortification of the Whig section of the Cabinet, who, for some reason or other, considered him either not of the right feather, or an unclean bird that they were resolved by hook or crook to oust out of the nest. For this purpose they resorted to all imaginable kinds of annoyance; they even went so far as to nominate the members of a Finance Committee, without once consulting their colleague, though it especially pertained to his department. What the reasons were for this underhand hostility have never been fully developed; one rumour was, that Mr. Herries had been a stockjobber, or had speculated in the funds, availing himself of the prior information he possessed, in virtue of a former office he had held, to make such monetary speculations profitable. One objection, however, was publicly taken, and it is the only one relevant to our purpose, by the Marquis of Lansdowne, who was then Home-Secretary, and the head of the dissentient purists, namely, that Mr. Herries was a *nominee of the King*. The King, forsooth, had ventured to name *one* of his ministers, and that was the defence urged for the combination to eject him! Startling as this may appear, we shall offer no opinion on its merits; it might be a captious objection raised by a scrupulous clique of politicians, or it might be a valid and constitutional

ness, in full conformity with the settled course of Cabinet government. Whatever might be its nature, the King submitted, as far as to cause an intimation to be conveyed to Lord Lansdowne, to the effect that he had taken no part in the appointment of Mr. Herries. But our purpose is answered. Our reference to the incident has been merely to illustrate by example the existing character of the Executive Government in England, and to show how different a thing it is, both in power and construction, from what most foreigners, and even a large portion of the British population, have been led to understand.

After the exposition we have made of the office of Prime Minister and of Cabinet functions, we feel in a sense to submit a few general conclusions, the justness of which the reader will now be prepared to appreciate. In the legislative branch of the Government, in the three estates of the realm, important reforms have been made, but we think every one will concur, after reflecting on the preceding representations, that against the existing construction and action of the Executive Ministry the strongest reasons may be urged. Our objections, however, are not of a constitutional character: we have nothing to urge on the ground that the new office and functions either of the Premier and Cabinet, are innovations on past usages, forms, and privileges: nor do we wish to express regret that the Most Honourable Privy Council has become almost a nullity in government: that the Sovereign has ceased to be his own Minister, and even been interdicted any interference in the choice of his servants; and that this once important prerogative of the Crown has virtually devolved to the Imperial Parliament: all these changes may have been necessitated by time and the altered

tances of society : and as changes we object to. Our objections have a far more practical . Against the office of a Premier, or Cabinet ourselves, we have no reasons to urge, nor to Executive Government of the country being carried them ; but we do demur to the fitness of their mode of creation and tenure of existence.

airs of moment—often of imperative urgency—the utmost importance that there should be as conflict of rights and jurisdiction as possible. This e to be a maxim of government that no reason-son will deny, or can controvert. We say, then, first place, that if the Premier and his Cabinet owe designation and existence, as every one will admit o, to the votes of a majority of the House of ons, it would be best that such mode of creation become an acknowledged principle of the British ation, which the vicissitudes of time have gra-introduced, and to which it is expedient to

By the open recognition of this principle, both struction and contradiction in the Executive ument would be at once obviated. We should one of these dilemmas in the movements of the machine that have before been dwelt upon ; we have no suspension of the Government ; we have no weak or incapable Ministry continued l the useful term of its administration, by the al predilections of the Sovereign, or the capricious sions of individual statesmen to the exercise of vereign's immunities. There would, in short, be shing between regal and legislative rights ; only thority to give the quietus, if need be, to an old ry, and designate and raise up their successors. at there would never be any delay or uncertainty

in the very vital question to the public, who are its rulers? who the responsible parties for the safety of a great empire?

The *next* political desideratum is, that some fixed term of duration ought to be assigned to the Premiership and Cabinet. It can never be sound constitutional polity in any country, where the Executive Government is a constantly fluctuating body—where that power to whose wisdom and foresight the entire weal is confided, and to which all trust for watch and ward from both domestic and external detriment—has been left without any certain command over the appliances essential to the adequate fulfilment of its most responsible duties—or even certain for a day of the continuance of its own administrative functions. Is not such a precarious condition of the ministerial power an unnatural and preposterous constitutional regimen for any great or rational community to live under? Is it not alarming to think of, that any vast society of human beings should nightly sink quietly to rest, thinking that they had left a strong and competent authority to watch over the safety of the state, and that they should wake next morning, and find it proclaimed on almost every breakfast table,* that the Government which had lulled them into a false security was gone! That it had been destroyed overnight, and that “the Queen had done it all!” This was precisely what happened so recently as the reign of William IV. True, the appalling rumour was not strictly correct in every particular. Queen Adelaide was guiltless, and had had no hand in the destruction of the Executive; but it had certainly been swept away, without Her Majesty’s co-operation, in a sudden flight of the royal mind.

From such contingencies the country ought to be

* Announcement in *The Times*, November 15, 1834.

guaranteed. It is neither fitting nor safe that the Executive should be dependent, at every moment, either on regal caprice or the evolutions of political factions. It ought to have *fixity of office*—say for three, four, or five years. Whoever the House of Commons may designate as most worthy and qualified to fill the situation of Prime Minister, whether Whig, Tory, or Conservative—whether Lord John Russell, Sir Robert Peel, or Lord G. Bentinck—let the individual so honoured, and his Cabinet, be secured in the certain exercise of their duties for a determinate period.

The advantages from this arrangement in the political government of the country would be immense. In the first place, it would greatly lessen the action of mere party warfare, by which the time of the Legislature would be saved and its character be better upheld. The spirit of intrigue, wrangling, and mutual crimination would be subdued, and a large portion of every Parliamentary session would not be fruitlessly consumed in trials of strength, in grand but fruitless debates, motions of want of confidence, and other field-day manoeuvres, killing to Ministers and their opponents, as well as to reporters, editors, and printers, and wearying and offensive to everybody. The day of ministerial reckoning would be known; it would be waited for without premature and abortive efforts; and when the time of trial came, a full and deliberate vote of Parliament would decide whether the past tenure of rule by the Premier and his Cabinet had been such as to warrant a renewal of the lease of power, or that the time had arrived when they should be replaced by a new Executive Ministry.

In addition would result those further public benefits, to which we have before referred, namely, the superior advantages a Premier and his colleagues would possess,

in framing, maturing, and carrying through such measures as they might consider likely to be promotive of the general good, and advisable to submit for legislative discussion and sanction.

It might further be thought an expedient change in Executive Government, not only to give the Prime Minister a limited fixity of office, but also to dispense with certain regal forms of co-operation, that have become little more than a nominal exercise of authority. It is not many years since the Sovereign had the ungracious office of witnessing in council all the warrants for the execution of criminals sentenced to death at the Old Bailey. This usage has been abolished. And why not others? Why should the maternal cares of the Queen be unnecessarily interfered with? or why should the precious time of one or more Ministers be wasted in travelling to and fro from London to Windsor, or the Isle of Wight—to hold a *pro forma* council—to prick for sheriffs—or to obtain Her Majesty's signature, or Her Majesty's acquiescence, to this or that document or public measure—when it is well known that all these matters have been settled, and might just as well have been consummated by the *fiat* of the Premier, in the offices of Downing-street and Whitehall—

II.—GOVERNMENT DEPARTMENTS AND OFFICES.

In the preceding section, the aim has been to describe the actual position of the Executive Government, to illustrate its action by recent examples and occurrences, to show how its powers have been established upon the decline of the older and more familiar forms of the constitution; and lastly, to explain its present nominal relations to the crown, and real dependence, both for the personality of its construction and duration

on the votes of the House of Commons. The same subject will be still continued, but over an entirely different field of operations. From the Prime Minister and his Cabinet—from the chief functionary and his chief colleagues—we shall descend to the subordinate instrumentality by which they carry on the humbler drudgery and detail of the nation's affairs. In place of the Supreme Council, or Directory, we shall be principally occupied with the inferior agency of the *bureaux*, in which are elaborated the annual estimates, budget, and financial statements, and whence are fulminated those acts, proclamations, and diplomatic notes, by which the Government is felt at home and abroad in its practical administration.

The first general view that strikes in the Public Departments is, that each forms a separate delegation or establishment for the management and transaction of a specific branch of public business, acting, in ordinary routine, independently of the rest, but in unison with the general spirit or principle that has been settled or understood to form the basis of the administration. This appears nearly correct as a general description. Each Minister is understood to be scrupulous in confining himself to his own subdivision of affairs; on this point, we believe, a tolerably strict etiquette and vigilance are maintained. A Member of Parliament indeed may, in his place, having given the Minister notice, or even without notice, though it is not deemed courteous to omit this preliminary intimation, ask him why he did this or the other, or concerning the mode in which he has exercised his public duties in a particular instance; but no such inquisition or interrogative challenges are, we suspect, admissible among the Ministers themselves.

However, instances may be cited, both of interference

and independence in the heads of departments. Of the former, the history of the late Mr. Canning affords a well-known illustration. The honourable gentleman at the time was Foreign Secretary, and Viscount Castlereagh, was Secretary-at-War. Mr. Canning thought his Lordship unfit for his office; but, without telling him so, he made a private communication to that effect to the Duke of Portland, the Premier, and further intimated that, unless his colleague was removed from his situation, he himself would resign. Rather curiously, the opposite example of ministerial independence is furnished in a personal friend, or *élève*, of Mr. Canning,—the present Viscount Palmerston. It has been said of his Lordship, that, under the Melbourne ministry, he would neither brook interference, remonstrance, nor advice from anybody. But he is understood, in his present turn at the Foreign Office, to have become more tractable, having found that the public sentiment did not quite go along with his former belligerent demonstrations, when squaring his elbows on all sides,—against the Czar of Russia, Mehemet Ali, M. Thiers, and the native chiefs of Cabul.

At the head of the Government offices stands the **TREASURY**. In the brief notice we intend to give of this and other public departments, we have been much indebted to a work of considerable historical value and original research, compiled by Mr. F. S. Thomas, of the Public Record Office, entitled, “Notes of Materials for the History of Public Departments,” and which has just been printed for the use of the public offices and private circulation. According to Mr. Thomas, “the Treasury is that department of the Government which has the entire control and management of the public revenue and expenditure. To this

partment are referred all matters involving public expenditure, and from hence every public accountant must have ample authority for the disposal of the monies trusted to him; the Commissioners for auditing the public accounts being a constant check against misapplication, by taking care that such public accountant does the same under sufficient authority. So, also,

Comptroller-General is a check on the Treasury, it being his duty to take care that the warrants issued on the Treasury to him are in accordance with the authority of Parliament, before he issues his warrant to the Bank of England, where the public money is now paid in and issued out, instead of the ancient course of receipt of the Exchequer." This, perhaps, rather resembles what the Treasury ought to be, than what it actually is. At one period, it appears, the Sovereign occasionally presided at the Board of Treasury, and this continued till the accession of George III. The royal prerogative still remains at the head of the table; forms and monies being kept up, though the spirit and substance have fled, and been imbibed or consolidated in new creations or amplifications of power.

The Lords-Commissioners of the Treasury consist of five persons; namely, the First Lord, the Chancellor of the Exchequer, and four other Commissioners. Of thirty-one Prime Ministers from the commencement of the reign of George III. to the current Premiership of Lord John Russell, inclusive, twenty-seven have held the office of First Lord of the Treasury: the remaining four have either been Lord Privy Seal, or one of the Secretaries of State. The office of First Lord, however, has become rather one of power and patronage, than of actual management of the revenue. The Treasury is held daily; but the business it transacts is only

that of a particular description of the public service. "The fact," observes Sir Henry Parnell, in his *Financial Reform*, "which is admitted on all sides, that the Treasury has, for many years, ceased to exercise the control that constitutionally belongs to it over the public expenditure, makes it more than probable that if it resume and vigorously enforces its rights over the departments, a great deal of useless expenditure would be put a stop to." In past times, the heads of the great departments for the management of the expenditure attended the Board, with their annual estimates, for the purpose of examination and explanation, previously to their being submitted to Parliament.

But if the fiscal duties discharged have diminished, the expense of the Treasury has not. In 1797, the charge for this department was over 44,066*l.*; in 1827, it had increased to 80,542*l.*, including the Commissariat Department; so that it had nearly doubled, though the revenue, the superintending of which constitutes the chief ostensible business of the Treasury, was as great in the former as in the latter period. It shows the profusion with which salaries have been augmented, and offices multiplied, in this branch of the public service. Exclusive of the joint Secretaries of the Treasury, and Assistant-Secretary, who receive large salaries, there are about thirty-six clerks employed, five of whom have incomes of 1000*l.* a-year each. The clerkships are among the most seductive offices under Government, affording abundance of leisure for driving in the parks, and lounging in the clubs, or even the holding of other easy and well-paid offices; but they are unattainable by anybody, unless backed by a powerful parliamentary or aristocratic connexion.

Until a recent period, there existed, in connexion

with the Treasury, a monstrous nest of sinecurism and antique absurdity, called the *Receipt of the Exchequer*. It was from holding a tellership in this department that the Marquis of Camden was entitled to his enormous income of upwards of 35,000*l.* a-year, and which, with the exception of a small portion, he gave up to the exigencies of the public. In 1834, when the receipt of the Exchequer was regulated, and the sinecures of Auditor, Tellers, Clerk of the Pells, &c., were abolished, the surplus fees which the Marquis had surrendered amounted to 244,407*l.* It was a very generous sacrifice, and it is to be regretted that there have been few imitators of so patriotic an example.* In fact, this very reform of the Exchequer originated one of the most discreditable transactions of the Melbourne ministry.

In place of the abolished sinecures, a new establishment was created, consisting of a Comptroller-General, Assistant-Comptroller, chief clerk, with other clerks and assistants. Sir John Newport was the first Comptroller-General, with a salary of 2,000*l.* a-year. He held the office till about 1840, when he was succeeded by Mr. Spring Rice, who had just been created Baron Mont-

* Up to this time, the accounts of the Exchequer had been kept in Latin and Roman numerals; it not being till now that this cumbersome and barbarous method was dispensed with, even in receipts and vouchers. It was only a few years previously that indented cheques had been substituted for the notches in wooden tallies. It is a fact which the Privy Council reported, that the conflagration of the two Houses of Parliament, in the year 1834, was occasioned by negligence in burning the Exchequer tallies, by which the flues in a building adjoining the House of Lords were overheated; and in consequence, the vast expense that is now being incurred in the erection of the new houses of Parliament.

cagle; Sir J. Newport receiving in exchange for his salary a pension of 1,000*l.* per annum. The precise motives for this questionable commutation have never been distinctly avowed; much was said by Viscount Morpeth on the great age and infirmities of the Ex-Chancellor of the Irish Exchequer; but it seems likely the moving causes were on the other side, originating probably either in the weariness of the new Baron and present Chairman of the anti-Poor Law meetings of Irish landlords, of the toils of high finance, and the desire of a more dignified leisure in the Upper House, which his Irish rental may have been inadequate in due style to maintain, or an apprehension of a speedy dissolution of the Melbourne cabinet—a contingency likely enough at the time to happen—and the impoverishing consequences of which his lordship might wish to avert by casting his anchor in a more stable bottom than the shifting sand-bank of the Chancellorship of the Exchequer. Whether these or other considerations were most conducive to the transition, the transaction savoured so much of a Job on the face of it, that the House of Commons very distinctly marked its sense of the arrangement. Resolutions were moved by Mr. Liddell, to the effect, that no such mode of providing for the dignity of a peerage, by creating a pensioner of 1,000*l.* a-year, should be drawn into a precedent, and which were carried, despite Lord Morpeth's negative amendment and pathetic appeal,* by 240 to 212, leaving the Whig ministry, in a tolerably full house, in no very enviable minority. It will be recollected that it was under Lord Montague's comptrollership that the enormous forgeries by Mr. Beaumont Smith, the senior clerk, were discovered,

* House of Commons, February 27, 1840.

though they appear to have begun ere his lordship became Comptroller, and by which the public lost about 350,000*l*. This, with the detection, soon after, of a long series of frauds in the Custom-house, left an unfavourable impression of the vigilance of the Ministry in the revenue department.

Connected with the Treasury is the Commissariat Department, the business of which is defined in a Treasury Memorandum, dated March 6, 1844, to be "To raise, keep, and disburse, according to fixed resolutions, the whole of the fund required to carry on the foreign expenditure of the country;" that is to say, principally in the time of peace, the expenditure in our colonies and other dependencies. Accounts are constantly kept open by means of the Commissariat between Britain and all its foreign possessions; so that, if a sum has to be received or paid in Canada, Australia, or China, for any branch of the public service, it may be done by a transfer in the Commissariat chest account without any remittance. The Commissariat officers act in effect as Sub-Treasurers to the Lords Commissioners of the Treasury in the colonies. "The Commissariat also," as Mr. Thomas explains, "provides, keeps in store, and issues, the provisions, forage, fuel, and light, for the use of all the different branches of the service abroad; furnishes the troops with the necessary supplies of water; provides all land and inland transport; and, in the absence of a properly authorized naval agent, takes up all the freight required for the conveyance of troops and stores by sea." The Commissariat purchases are all made under written contracts, entered into after open competition, and according to prescribed rules; and it is the duty of the Commissariat officers to take care that the provisions

and other supplies are of proper quality, according to the contract. Sir Henry Parnell considered that the Ordnance formed a more fit department than the Treasury for providing for the army and artillery in the United Kingdom, and for the troops on foreign station. "The peculiar unfitness," says he, "of the Treasury to transact this kind of business, and the fitness of the Ordnance, require that it should be *no longer delayed*." That was in 1832.

Constitutionally, the EXCHEQUER is held to be subordinate to the Treasury; but it is the office in which the chief superintendence of the revenue is virtually exercised. The Chancellor of the Exchequer is always a member of the Cabinet, but he is never a peer, and no Chancellor of the Exchequer, who is not also a First Lord of the Treasury, is ever Prime Minister. From the accession of George III., the First Lord of the Treasury, when a commoner, has also been the Chancellor of the Exchequer, with the exception of Sir Robert Peel in 1841, who took the one without the other, an example which has been followed by Lord John Russell. Of the eighty-six years that have just elapsed, the office of First Lord of the Treasury has been held by peers for nearly forty, and, of course, it has been disjoined from that of the Chancellor of the Exchequer for about forty-five years of this period.

It is difficult to describe the present various functions of the Chancellor of the Exchequer. "In fact," says Mr. Thomas, "he exercises all the powers vested in the Treasury Board, and has therefore the entire control and management of all matters relating to the receipt and expenditure of the public money, whether arising from taxes granted by Parliament, or from other sources of revenue in the United Kingdom or the Colonies, as

well as the private revenue of the sovereign, and also the custody of all public property belonging to the sovereign. In the execution of these duties, he has to frame regulations and establishments for conducting the business of all the financial departments in the country, and also to control the expenditure, and fix the salaries and expenses, not only of those departments, but of other departments, in which there is an expenditure of the public money. He has also to decide, within the limits of the law, on all questions between the sovereign and the subject arising from the receipt and expenditure of the public money, &c. Besides the high functions performed by the Chancellor, in connection with the Treasury Board, it is also his duty to keep the seal of the Court, and to affix the same to all instruments requiring to be sealed. This ministerial duty is performed, agreeably with ancient practice, by an officer called the Sealer, and this office is in the gift of the Chancellor of the Exchequer." There are two seals used in the office ; the one, the great seal, which is not used more than ten or twelve times a year ; the other, the initial seal, containing the initial letters C. E., and which Mr. Thomas says " is in daily use, and seldom idle during official hours."

The Chancellor has other calls upon his attention ; before him the accounts of public accountants, after they have been audited, are declared. He also presides in the absence of the Lord Chancellor, at the court for the trial of the Pix, when specimens of a new coinage are assayed by a jury of goldsmiths, before the coinage of which they make part is allowed to be issued from the Mint for general circulation. The duties of the Chancellor of the Exchequer being so multifarious, it can hardly be matter of surprise that the present First Lord

of the Treasury followed the example of his predecessor in not burthening himself with the discharge of them, in addition to his other weighty functions.

Next to these administrative offices, the most important in the Government is that of the **SECRETARIES OF STATE**. Of these there are three — the Home, Foreign, and Colonial; but Mr. Thomas observes that, "Whatever be the number of Secretaries, they constitute but one officer, and are co-ordinate and equal in rank and authority. Each is competent to execute any part of the duties of the Secretary of State, the division of duties being mere matter of arrangement." They are constituted by the Queen delivering to them the seals of office, three in number, to each. The business of the *Home Secretary* comprises whatever relates to the internal government of Great Britain and Ireland (by correspondence directly with the Lord Lieutenant, or through the Irish Secretary), except matters of revenue and admiralty; also crown grants, army commissions, church preferments in the royal gift, militia appointments, approvals of Lord Lieutenants, and business relative to criminals, pass through his office, and are laid by him before the Queen for signature or approbation. The business of the *Foreign Secretary* consists in the superintendence of all the relations of the country with foreign states by treaty, league, or personal intercourse, and representation by diplomatic and consular agents. The duties of the *Colonial Secretary* extend over all the foreign possessions of the Crown, except the East Indies. In the War Department of his office, Mr. Thomas states, "are made out all military commissions, all removals of troops; also the military Order of the Bath is specially under the control of the Secretary, and from his office

all promotions are gazetted. In time of war, the correspondence with the commanders of armies engaged in the war belongs to this department, as well as to plan and arrange all military operations abroad, the Secretary-at-War and Commander-in-Chief having merely to provide the means for carrying them into execution."

Attached to the office of Secretary of State is the Signet Office; it is a branch of the Secretariat, and its being separated is a mere matter of convenience. If the three departments of the Secretaryship were lodged in one building, and room could be found for the signet branch, that would be the proper place for it. All instruments that require the King's signet pass through the Signet Office, where the signet seal is affixed to them. There used to be four clerks of the Signet but one has been abolished. The State Paper Office, which is an office in St. James's Park, for the custody of state papers, &c., is regarded as a branch of the office of the Home Secretary.

Next in importance among the Government offices may be reckoned the BOARD OF TRADE and PLANTATIONS, the first notion of which seems to have been given in 1655, by Cromwell, who appointed his son Richard, with many Lords of Council, Judges, gentlemen, and twenty merchants of the chief cities, "to meet and consider by what means the traffic and navigation of the public might be best promoted and regulated, and to report on the subject."* It subsequently underwent many modifications, by connexion with the foreign plantations and the Secretariat department; but, by an order in council of 1786, it was made a distinct and regular establishment, as a Committee of the Privy

* Adolphus' "State of the British Empire," vol. ii. p. 127.

Council, and is now presided over by a President and Vice-President, who are, in fact, the only working members of the Board; and its business is performed by them without the interference of any of the numerous official persons nominally on the committee. The President of the Board is usually a member of the Cabinet. The general business of this department is of a very miscellaneous, but of a useful and important character. It is thus described by Mr. Thomas, in his *Notes* :—

“ All matters relating to the interests of trade which come before the several departments of the Government, are usually referred to the Board of Trade, either for the information of its members, or for the purpose of obtaining their advice. Thus, for example, there are frequent communications with the Foreign Office on the subject of the negotiation of commercial treaties, of difficulty arising out of them, and of the proceedings necessary to give effect to them with the Treasury, on the alterations made, or contemplated, in the law of the customs, on the case of hardships to individuals, arising from the operation of those laws, and on points connected with them which require solution; and with other departments on matters of interest in a commercial point of view. The preparation, also, of Bills and of Orders in Council, for carrying out the intentions on these subjects, frequently falls to the care of this Board. The correspondence of the Board with private individuals, on the subjects of which it has cognizance, is likewise extensive.”

Further, the Board of Trade exercises a superintendence, not very clearly defined, over every private bill passing through Parliament; and in cases where the public interest is affected, it frequently interferes to procure the modification or rejection of clauses. All applications made to the Treasury in council, by individuals or companies, seeking charters or letters patent, and all cases of parties desiring to establish Joint-stock

Banks, are referred to the Board of Trade to report upon. So, likewise, are all acts passed by colonies, having legislative assemblies, before they are laid before the Crown; but in regard to these, the Colonial Secretary, through whom they are transmitted, recommends what should be done, and his recommendation is followed as a matter of course. Still all such acts must have the formal sanction of the Board, ere they can obtain the royal assent. The ordinances of the Crown colonies—namely, such as have no legislature—do not necessarily come before the Board, unless relating to matters of trade.

Attached to the Board of Trade are several subordinate departments:—1. The Corn Returns Department, for receiving returns of the prices of corn, by which the import duty is, has, or will be, regulated. 2. The Statistical Department, which was established in 1832, for collecting and arranging statistical information. The Railway Department of the Board has been superseded by the appointment, in 1846, of Railway Commissioners, in whom are vested, by Act of Parliament, all the powers heretofore exercised by the Board of Trade, with other defined duties. The following offices are more or less under the Board:—the School of Design, the Registry of Designs, the Registry of Joint-stock Companies, and the Coal-whipper's Office.

The office of the **WOODS AND FORESTS AND LAND REVENUE** can hardly be considered a division of the political administration of the country, though the Chief Commissioner is frequently, as at this time, a Cabinet minister. The general business of the Department is the care and management of the ancient hereditary possessions of the Crown, consisting of forests, chases, waters, parks, manors, lands, estates, houses,

and public buildings, in great number and extent, the royal revenues of which have been long commuted by the grant of a fixed civil list, on the accession of the Sovereign. The land revenues of the Crown were originally collected by the Sheriffs of Counties, and other accountants called Escheators, who paid their rents into the Exchequer. In 1535 a Court was erected by statute, called the Court of Augmentations, for the management of the lands of the suppressed monasteries, not having more than 200*l.* a-year, all of which had been given by Parliament to the King. Under this Court, and the Court of General Surveyors of Crown Lands, assisted by a Board of Works, with a numerous array of Receivers-General, Surveyors-General, Surveyors, Rangers, and Keepers of the King's private roads, bridges, waters, and gardens, the royal property continued to be managed, or mismanaged, for centuries. It is a subject to which we shall again have occasion to refer, and shall here only recapitulate a few facts connected with this branch of administration. In 1781, the Board of Works was abolished, and the royal buildings, which had been under its management, placed under the direction of a Surveyor, or Comptroller. It was this office that was united to the Commissioners of Woods and Forests in 1832. But the arrangement previously existing, which placed the royal gardens under a Surveyor or Comptroller, who is by profession a gardener and improver of grounds, appears still to exist. In 1828, the management of the Irish Land Revenue was vested in the Commissioners. Shortly after, the Auditors of Land Revenue were abolished, and the accounts heretofore audited by them directed to be audited by the Commissioners of Audit. All the laws relative to

the Woods and Forests were consolidated by an Act of 1830, amended by another in 1845.

The ADMIRALTY, or Department of the Navy and Dock Yards, forms an important branch of the general government. Constitutionally, the Sovereign is Lord High Admiral, as well as Commander-in-Chief of the Army; being supreme head, or Generalissimo, of all the national forces by land and sea. The office of Lord High Admiral was first put in commission in 1632; but in 1684 Charles II. took the office into his own hands, and James II., on his accession, followed his example. Since, the office has been sometimes in commission, and sometimes held by an individual. The husband of Queen Anne, Prince George of Denmark, was Lord High Admiral, assisted by a council of four persons. He was succeeded by Lord Pembroke, after whose resignation it was again held in commission, and so continued till 1827, when Mr. Canning made the Duke of Clarence Lord High Admiral, but without a seat in the Cabinet. It has since been in commission. The First Lord Commissioner is always a member of the Cabinet, and it is he who principally exercises the powers of the Admiralty, and bears its responsibilities; but the places of the junior lords are said to be no sinecures. Two of them, at least, are always professional men. They have all official residences. The office of Judge of the Admiralty Court was long held by Sir William Scott (afterwards Lord Stowell), as the Deputy of the Lord High Admiral, and whose great income was chiefly made up from naval prizes. It gave him an interest in war: but this objectionable source of remuneration has been abolished, and the Judge of the Admiralty Court has now a fixed salary, and holds his commission from the Crown, under the Great Seal. In

addition to the Commissioners, there are pertaining to the Admiralty Department numerous and well-paid functionaries, as the Secretary, Accountant-General, Store-Keeper, Comptroller-General of Victualling, Physician-General; besides a numerous outlying corps of captains-superintendents of dock-yards, with large salaries. The expenditure in the Royal Dock-yards and Arsenals has been considered lavish in storekeepers' clerks, measurers, master-attendants, master-shipwrights, and others, many of whom are, apparently, kept up for mutual superintendence, forming a superfluous graduation of offices, and excess of expense. It is proper, however, to notice that an immense economical reform was effected under Sir James Graham, who, while at the head of the Admiralty, effected a reduction of nearly a million in the naval expenditure.

The head of the WAR OFFICE has lately offered some political anomalies, and the Commander-in-Chief has been, in his office, as independent of politics and ministries as the judges. The late Lord Hill was never in the Cabinet, but retained his post through all changes of Government that took place between 1828 and 1842; while the Duke of Wellington continues to hold the same office, with a seat in the Cabinet, under a Whig Ministry. Subject to the direction of the Cabinet, the controlling functionary of the army is the Secretary-at-War. He fixes the number of forces to be kept up, the general or particular distribution of the troops, the number of men to be sent on any particular service, and acts as the directive power of the army. He is occasionally a member of the Cabinet. The Paymaster-General is also occasionally a Cabinet minister: with this office are associated the Treasurership of the Navy and Ordnance. The duties consist in the making of

payments under warrants from the Treasury, the Secretary-War, &c.

The **ORDNANCE** forms an important division of the military and naval establishments. Its duties are numerous and complicated. It has not only to supply military stores, both for the army and navy, but it has the entire management of the Artillery and Engineers; it also manufactures the greater portion of the articles which the military branch it superintends requires. It is charged with the construction of a variety of public works, and superintends the erection and repair of the ordnance stations and military barracks. It has three principal offices,—one in Pall Mall, another at the Tower, and a third in Dublin.

The remaining Government Departments are the Mint, the General Post-office, and the Board of Control. The last was established in 1784, and was originally composed of six Privy Counsellors, together with the Chancellor of the Exchequer, and the Secretaries of State. It was evidently intended, as it ought to be, for a high and responsible administration; but, like many other of the public Boards, its actual management differs much from its nominal repute. The President of the Board may be regarded as a Secretary of State for the affairs of India. In fact, he is the Board; and this appears consistent with the President's own representation of his consolidative capacity. As the report goes, some person on business called at the office of the Board of Control in Cannon-row, when Sir John Hobhouse happened to be there. Upon enquiring when the Board was likely to sit, Sir John replied, "I am the Board!" But it would appear that the Right Hon. Baronet needs either a help or stimulus, if it be true that, in the discharge of his multifarious functions, his dilatoriness of determination

has indefinitely postponed, if not defeated, a very promising project for the construction of railways in India.

The last branch of Civil Government it is requisite to notice, is the LORD LIEUTENANCY of IRELAND. The Viceroy is always a nobleman and a privy-counsellor, but is never now a member of the Cabinet, nor is he considered one of the ministers. He is, in fact, a pageant, the direction of affairs resting almost entirely with the Chief Secretary, who may be considered the Secretary of State for Ireland, with a seat in the Cabinet, and offices both in London and Dublin.

The two Exchequers of England and Ireland have been consolidated, the coinage of the two countries has been assimilated, and other efforts have been made to obliterate the traces of two kingdoms; but the vice-regal Government is still clung to. The mimic sovereignty strongly tends to keep up those symbols of separation and disunion which a more rational and economical policy would try to efface. In the present state of intercourse, we might as well have once more a Lord President at York—a King in Edinburgh—or a separate court for the marches of Wales, at Monmouth—as a King's Lieutenant in Ireland. What, then, can be urged to palliate the continuancy of the vice-regal office? It has been sometimes alleged that the money spent by the Castle Court is beneficial to the tradesmen of Dublin. This may be satisfactory to the tradesmen of the capital; but what is it worth to those of Cork, Belfast, and the provinces? But even this excuse is almost too contemptible for notice. The squandering of the Viceroy's salary among the citizens of a great city can have little influence on their prosperity, and certainly cannot be one-tenth part so productive, both to them and the rest of the Irish people, as would be the reten-

tion, among them, of the absentee rental now dissipated among strangers. However, the viceroyship has long been a jewel of the aristocracy, and it is not likely to be willingly abandoned; but an exposition of the shallow pretexts by which an abuse is sought to be perpetuated, is one step towards its abolition.

The whole expense of the Civil Government of the United Kingdom, inclusive of the Civil List and Judicial establishments, is upwards of three millions. This was the return for 1843, and it is not less now; for the economical reforms of both Whig and Tory ministries had spent their force long previously to this period. We subjoin the items from Parliamentary Paper No. 494, Sess. 1843:—

CIVIL GOVERNMENT.

Civil List:—Privy Purse; Salaries of the Queen's and Tradesmen's Bills	£371,800
Allowances to the several Branches of the Royal Family and to the King of the Belgians* . .	318,000
Lord Lieutenant of Ireland's Establishment . .	30,554
Salaries and Expenses of the Houses of Parliament (including Printing)	123,847
Civil Departments, including Superannuation Allowances	524,773
Other Annuities, Pensions and Superannuation Allowances on the Consolidated Fund and on the Gross Revenue	312,641
Pensions, Civil List	5,130
Courts of Justice	551,540
Police and Criminal Prosecutions ,	595,945
Correction	493,117
Total, Civil Government.	1,666,854
Total, Justice	1,640,602
Grand Total	£3,307,456

* No part of this income is at present paid for the use of King Leopold. The Trustees, after discharging certain annuities and pensions to the servants and establishment of the late Princess Charlotte, repay the balance of the annuity to the Exchequer; the sum so repaid in the last year was 34,000*l*.

III.—SALARIES, &c. IN THE GOVERNMENT OFFICES.

To complete the preceding exposition of the Public Departments, we shall subjoin from a return to the House of Commons in 1844, a statement of the number of offices and appointments, and the salaries, &c. thence arising, the aggregate receipts of which in one year exceeded 1,000*l*. There has been a change of ministry since the return was made, but to have substituted present names, would have required the alteration of a public document, which might have impaired its authority; and it seems more valuable as a permanent record as it is, by presenting an authentic picture of the allocation of public offices at a recent period, and which, with trifling changes, still continues. It is only some fifty names that are affected by a change of ministry, and in this case every one can easily understand, by Sir Robert Peel, Lord J. Russell; by Lord Aberdeen, Viscount Palmerston; by Sir Edward Knatchbull, Mr. Macaulay; or by Mr. Hope, Mr. Hawes.

Our object is not to exhibit individual names, but the Government in its general policy and working character. Besides, it is far from improbable at the moment we are writing, that the present ministry may be soon out, and their predecessors again in. Such are the fluctuations and uncertainties of the Executive Government in England, that it is hazardous to venture on a list of their names; lest while it is passing through the press, an entirely new nomenclature may appear in the Gazette. Dionysius of Syracuse laughed at the prince, of whom he heard that he had only reigned for a few months. He said "He was only a theatrical tyrant;" and certainly English ministers, by their quick successions, appear very like theatrical ministers. Their rapid transitions strikingly illustrate that cardinal defect in the

stitution of the Executive, from the absence of a term of duration, on which we dwelt in the first n, and establishes the propriety in the present ce of adhering as far as possible to the original s in the following statement, and not seeking low the never-ending mutations of the Cabinet. ave, however, supplied a few chasms from deaths ; ome new creations of offices with incomes of above . a-year have been inserted.

ore winding up, with the annexed list, our expo- of the Executive Government, we shall add one reflection on its general character. It will have seen that it is a thing of "shreds and patches," it coherence, due subordination of parts, or ncy and stability of operation. It is the old monarchy of England dissolved into uncouth ents, and forming a discordant aggregate of im- ; regal names without duties, and of grave duties at suitable designations. What was once the eign that "never dies," has become an evanescent Minister ; what was once the Crown, personally rging high prerogative and ministerial functions, come a Cabinet, without a single fixed element, in respect of number, offices, or term, of duration ; hat was once the great Privy Council of the realm, een broken up into all that ill-assorted, ill-defined ition of Boards, Commissioners, and single Func- ies, that form the motley array of Government s just described. The entire fabric of the Execu- dministration of the country manifestly requires in the furnace of a thorough reform, to be recast ore symmetry and aptitude of official occupation esponsibility. This we take to be the exact *key del* to all we have previously tried to explain and ate by recent examples and living public characters.

SALARIES, PENSIONS, PROFITS, PAY, FEES, EMOLUMENTS, GRANTS, OR ALLOWANCES OF PUBLIC MONEY, held and enjoyed by CIVIL OFFICERS, in ONE YEAR, the Total Amount of which exceeded 1000*l*.

Aberdeen, Earl of, Sec. of State, Foreign Affairs	£5,000
Arbuthnot, Henry, Commissioner of Audit ...	1,200
Arnaud, E., Collector of Customs, Liverpool ...	2,200
Anglesey, Gen. the Marquis of, Master-General of the Ordnance	3,000
Col. of Royal Horse Guards	133
Col. of 7th Hussars	953
Captain of Cowes Castle	173
Emoluments from clothing of 7th Hussars, stated not to be known.	
Amedros, H. F., Chief Clerk, Admiralty ...	1,100
Anson, Col. G., Clerk of the Ordnance	1,200
Buccleuch, Duke of, Lord Privy Seal	2,000
Beverley, Earl of, Captain of the Yeomen, Royal Household	1,200
Baillie, G., Agent General for Crown Colonies ...	800
Allowance as late Clerk in Colonial Office	500
Barrow, Sir John, Second Sec. Admiralty ...	1,500
Baring, W., Sec. India Board	1,500
Bateman, Joseph, LL.D., Assistant-Solicitor of Excise	1,000
Mr. Bateman's predecessor received 1,000 <i>l</i> . annu- ally, as compensation for loss of fees and surrender of patent.	
Bathurst, W. L., Clerk of the Council	1,200
Beaufort, Captain, Hydrographer to the Admiralty	500
Compensation for Official Residence ...	500
Captain in the Royal Navy	264
Pension for Wounds	250
Briggs, J. T., Accountant-General of the Navy ...	1,000
Compensation for Official Residence ...	300
Baring, H. B., Commiss. of the Treasury ...	1,200

Brooksbank, T. C., Chief Clerk in the Treasury, and Auditor	£1,350
Paymaster of Chelsea Out Pensioners ...	750
Allowance as late Commiss. of Lottery ...	150
Brande, G. W., Chief Clerk in the Treasury ...	1,200
Bidwell, John, Senior Clerk in office of Foreign Affairs	925
Allowance as Superintendent of the Consular Department	575
Compensation for presents on the ratification of Treaties	94
Bandinell, James, Senior Clerk in office of Foreign Affairs	825
Allowance as Superintendent of the Slave Trade Department	375
Compensation for presents on the ratification of Treaties	65
Bethune, J. D., Counsel for Drawing Bills, Home Office	1,500
Blamire, W., Commissioner for Tithe Commutation and Copyhold Enfranchisement	2,000
Buller, T. W., ditto	2,000
Boothby, Sir W., Receiver-Gen. of Customs ...	1,500
Paymaster of Gentlemen Pensioners ...	229
Braysher, J., Collector of Customs	1,350
Borrowes, R., Solicitor of Stamps, Ireland ...	2,000
Byham, R., Secretary to the Ordnance	1,400
Bonham, F. R., Storekeeper, Ordnance	1,200
Burgoyne, Major-General Sir J. F., Chairman of the Board of Public Works, &c., Ireland	1,250
Retired Pay as Lieut.-Col. Royal Engineers	335
Pension for good service	120
Banning, W., Postmaster, Liverpool, salary, allow- ances, and fees	1,557
Brickwood, John S., Sec. to Commiss. for Loans for Public Works	1,000
Sec. to Commiss. for Relief of West India Islands, Gratuity	500

Browne, Lieut.-Col. G., Commissioner of Police,	
Dublin	£ 840
Half-pay as Major unattached	173
Pension for wounds	70
Canning, Viscount, Under Sec., Foreign Affairs	1,500
Pension	3,000
Carr, A. M., Solicitor to Excise	2,000
Clerk, Sir George, Sec. of the Treasury	2,500
Cockburn, Sir G., Lord of the Admiralty	1,000
Admiral of the Red	766
Major-Gen. of Marines	1,037
Corry, H. T. L., Lord of the Admiralty	1,000
Allowance for House-rent	200
Cunningham, G. L., Chief Clerk, Foreign Office	1,037
„ Compensation for loss of presents on ratifications of Treaties	23
Fees on Appointments	89
From the Signet office	3
Capper, J. H., Clerk of Criminal Dept., Home Office	670
Superintendent of Convicts	400
Chadwick, E., Sec. to Poor Law Commissioner...	1,200
Cust, Hon. W., Commissioner of Customs	1,200
Cornwall, James, Collector of Excise, Edinburgh	600
Allowance for paying Chelsea Pensioners	66
Compensation	400
De la Warr, Earl, Lord Chamberlain Royal Household	2,000
De Grey, Earl, Lord Lieut. of Ireland	20,000
Dean, R. B., Chairman Board of Customs	2,000
Late Clerk Alienation Office	40
Dawson, G. R., Commissioner of Customs	1,200
Dodson, J., Examiner, Customs	1,008
Drummond, E., Chief Clerk, Treasury	1,000
Private Sec. to First Lord	300
Pension on the Civil List	250
Since deceased.	
Davis, Hart, Deputy Chairman of Excise	1,500

Davis, R. V., Comptroller and Auditor-General of Excise	£1,200
Dundas, W., Keeper of Register of Sasines, Edin- burgh	2,979
Compensation as Keeper of the Signet ...	881
Eliot, Lord, Chief Sec. for Ireland	5,500
Everett, W., Receiver-Gen. of Stamps and Taxes	1,200
Fremantle, Sir T., Secretary of the Treasury ...	2,500
Freeling, J. C., Sec. to Board of Excise	1,500
Finlaison, J., Actuary, &c., National Debt Office	850
Allowance as Government Calculator	600
Filder, W., Commissary-General in Canada ...	1,732
Graham, Sir J., Secretary, Home Office... ..	5,000
Goulburn, H., Chancellor of the Exchequer ...	5,000
Grenville, T., Chief Justice of Eyre, South of Trent	2,130
This sinecure was abolished many years since, on the first vacancy. It had been held by the late Mr. Grenville, who died last year, from the year 1800, and the income from it having been chiefly expended in the accumulation of a valuable library, Mr. Gren- ville left this literary treasure to the British Museum for the use of the public.	
Gladstone, W., Master of the Mint	2,000
Gore, Hon. C. A., Commiss. Woods and Forests	1,200
Gordon, Hon. W., Lord of the Admiralty	1,000
Captain, R. N.	264
Gage, Sir W. H., Lord of the Admiralty	1,000
Vice-Admiral	593
Gaskell, J. M., Commiss. of the Treasury	1,200
Greville, C. C. F., Clerk of the Council	2,000
Sec. and Clerk of the Enrolments, Jamaica	2,220
Godby, A., Sec. Post Office, Ireland	800
For loss of Official House	400
Haddington, Earl of, First Lord of the Admiralty	4,500
Herbert, Hon. Sidney, Sec. of the Admiralty ...	2,000
Hope, G. W., Under Sec. Colonial Office	1,500
Hobhouse, Sir John, President of India Board ...	3,500

Hobhouse, H., Keeper of State Papers	£613
Pension as Under Sec. of State	1,000
Herries, Sir W. L., Commiss. of Audit	120
Allowance as former Comptroller of Army	
Accounts	300
Pension for loss of leg in action	300
Hertslet, L., Librarian, Foreign Office	800
Superintendent of Queen's Messengers	450
Higham, S., Sec. and Comptroller-Gen. National	
Debt Office	1,500
Allowance for Official Residence, &c.	300
Head, Sir E. W., Commiss. of Poor Laws	2,000
Harrison, T., Commiss. of Excise	1,200
Herries, C. J., ditto	1,200
Hornby, Capt. P., Comptroller-Gen. Coast Guard	1,000
Compensation for Half Pay	264
Huskinson, G., Collector of Customs, St. Vincent	600
More to the present possessor	900
Homes, T., Collector of Customs, Grenada	500
More to the present possessor	1,000
Jersey, Earl of, Mast. of the Horse to Her Majesty	2,000
Irving, W., Inspector-Gen. of Imports and Exports	1,000
More to the present possessor	180
Jeffreys, T. N., Collector of Customs, Halifax,	
Nova Scotia	800
More to the present possessor	1,200
Jones, C., Solicitor to the Admiralty	1,600
He also receives £1000. per annum for Clerks.	
Jones, R., Commiss. Tithe Commutation and	
Copyhold Enfranchisement	2,000
Knatchbull, Sir E., Paymaster-General	2,400
Knowles, F. E., Deputy Commiss.-Gen., West	
Indies	1,213
Lowther, Viscount, Postmaster-General	2,500
Liverpool, Earl of, Lord Steward of Royal	
Household	2,000
Lincoln, Earl of, Chief Commiss. of Woods, Forests	2,000
Legge, Hon. H., Commiss. of Customs	1,200

ton, S. G., Comm. of Customs	£1,200
S. R. M., Principal Clerk Assistant to ecretaries, Treasury	1,100
, F. S., Chairman of the Board of Audit... e superannuated.	1,500
, H. F., Commiss. of Audit	1,200
, J. G. S., Sec. to Board of Trade	1,500
E., Under Sec. for Ireland	1,789
te Ranger of the Phoenix Park	100
ivy Seal Fees	153
B. C., Commissioner, Poor Law	2,000
, Viscount, Keeper of Privy Seal, Scotland	2,852
le, Lord, Comptroller-General of the Ex- chequer	2,000
. Hon. C. A., Master of Her Majesty's household	1,158
or, Col. D., Inspector-Gen. of Con- stabulary, Ireland	1,500
lf-pay	195
W., Lieut-Col., Deputy Inspector-Gen. onstabulary, Ireland	1,200
lf-pay	178
, W. L., Secretary of Post-office	2,000
A., Commiss. of Woods and Forests	1,450
E., Solicitor to the Treasury	2,850
k, Sir J. C., Commiss. of Excise	1,200
ie, H. S., Commiss. of Stamps and Taxes	1,012
h, J., Distributor of Stamps, Glasgow ...	1,285
R., Commissioner of Police	1,200
C. K., Treasurer and Sec. to Ecclesiastical Commissioner	1,200
late Cursitor, Court of Chancery	78
G., Auditor of Exchequer, Scotland ...	1,110
l, Edward, Chief Examiner of Army accounts	1,200
or, J., Sec. of the Board of Trade	1,500
nell, A., Commissioner of National Educa- reland	1,000
apartments, coals, and gas.	

Moore, G., Register of Deeds, Ireland	£1,500
Nicholls, G., Commissioner, Poor Law	2,000
Noble, R. H., Senior Clerk, Home Dept.	900
Allowance for Irish business	125
As late Naval Officer, Newfoundland	379
Osborn, Sir John, Commissioner of Audit	1,200
O'Connor, A., Distributor of Stamps, Antrim	1,250
Peel, Sir Robert, First Lord of the Treasury	5,000
Peel, Col. J., Surveyor-General of the Ordnance	1,200
Pringle, A., Commiss. of the Treasury	1,200
Percy, Hon. W. H., Commiss. of Excise	1,200
Phillipps, S. M., Under Sec., Home Office	2,000
Pennington, G. J., Auditor of Civil List	1,200
Pemberton, C. R., Assistant Clerk, Treasury	500
Private Sec. to Chancellor of Exchequer	300
Agent for Russian Dutch Loan	250
Plasket, T. H., Chief Clerk, Home Office	1,250
Allowance in lieu of Fees on Patents	102
Ditto London Gazette	75
Ditto Votes of Parliament	4
Signet Office	3
Peacock, M. B., Solicitor to Post-office	2,500
Pressly, C., Sec. to the Commiss. of Stamps and Taxes	1,300
More during the existence of the Property Tax	200
Rosslyn, Earl of, Master of Buck Hounds	1,700
Ripon, Earl of, President of the Board of Trade	2,000
Richmond, H., Commiss. of Customs	1,200
„ Compensation for Fees	1,200
Rice, Hon. S. E. S., Commiss. of Customs	800
Rushworth, C. P., Commiss. of Stamps and Taxes	1,012
Romilly, E. Commiss. of Audit	1,200
Rowan, Col., Commissioner of Police	1,200
Reade, F., Principal Clerk to Collector of Customs	1,417
Robinson, C., Collector of Customs, Demerara	1,000
More to present possessor	1,000

Renny, Geo., Director-Gen. of Hospitals, Ireland	£ 866
Physician and Surgeon, Kilmainham Hospital	429
Reynolds, H. R., Assistant Solicitor, Treasury...	1,200
Stanley, Lord, Secretary for Colonial Affairs ...	5,000
Stephen, James, Under Sec. for Colonial Affairs...	2,000
Sutton, J. M., Under Sec. State for Home Dept.	1,500
Stewart, Hon. E. R., Deputy Chairman, Board of Customs	1,700
Sargent, W., Paymaster of Civil Services, Treasury	1,500
Seymour, Sir G. F., Lord of the Admiralty ...	1,000
Rear-Admiral	456
Pension for Wound	250
Sullivan, Laurence, Deputy Secretary at War ...	2,000
Stephenson, H. F., Commissioner of Excise ...	1,200
Stearns, M. A., Solicitor of Excise, Ireland ...	1,500
Stearns, Captain, Commiss. of Stamps and Taxes	1,012
as Captain, R.N.,	58
Pension for loss of arm	300
Stearns, T. A., Deputy Postmaster-General, Canada	3,188
Stark, H., Assistant Sec. and Senior Clerk, India Board	1,200
Stuart, E., President of Railway Commission ...	2,000
Smith, P., Senior Clerk, Colonial Dept.	1,000
Allowance as late Agent for Mauritius	300
Smith, C. C., Commissioner of Customs	1,200
Stewart, C. A., Secretary of Customs	1,500
Stanton, J. G., Collector of Customs, Jamaica...	1,200
Smith, H. B., Collector of Customs, New Brunswick	800
More to the present possessor	400
Stutworth, J. P. Kay, Sec. to Committee of Privy Council on Education	1,200
Stutworth, J., Distributor of Stamps for part of Lancashire	1,042
Stutworth, Samuel, ditto . . ditto	1,773
Out of these sums the Distributors have to pay Clerks, Office-rent, &c.	

Stewart, A., Solicitor to Board of Public Works, Ireland	£3,253
This is the amount of his bills of costs paid within the year.	
Trevelyan, C. E., Assistant Sec. of Treasury ...	2,000
Tennent, J. Emerson, Sec. of the India Board ...	1,500
Thornton, W. I., Receiver-General of Excise ...	1,500
Thornton, John, Deputy Chairman, Board of Stamps and Taxes	2,012
Timm, J., Solicitor to ditto	1,500
Thackeray, S., Assistant Solicitor, Customs ...	1,100
Tytler, James, Agent for the Crown on criminal matters, Exchequer, Scotland	1,400
Van Spiegel, A., Chief Clerk and Auditor of Accounts, Treasury	1,150
Compensation for Fees	15
Pension on Civil List	67
Wharnccliffe, Lord, Lord President of the Council Although dead, his Lordship's name is retained, for the reasons already stated, as a member of Sir R. Peel's late ministry.	2,000
Wood, John, Chairman of the Board of Excise...	2,000
Wickham, H. L., Chairman of the Board of Stamps and Taxes	1,612
Walford, J. G., Solicitor to the Customs ...	2,000
Fees and Emoluments	500
Waterfield, T. N., Senior Clerk, India Board ...	1,050
Walpole, E., Senior Clerk, Treasury	800
Examiner of East India Accounts	400
Since superannuated.	
Wilkin, John, Receiver of Crown Rents for Wales	400
Receiver of small Hereditary Revenues for- merly payable to the Privy Purse ...	300
Allowance as Senior Clerk, Tax Office ...	400
Watts, R., President, Inland Office, Post Office...	1,775
Willock, R. F., Postmaster, Manchester...	1,431
Wilson, J., Postmaster-General, Jamaica ...	1,582
Young, John, Commiss. of Treasury	1,200

British Colonies.

Policy of the Colonial System—Errors on the Establishment of Colonies—Effects of the Free Trade Principle, and the Abolition of the Navigation Laws—Misgovernment of the Colonies—Relative Importance of their Commerce and that of other Countries—Injustice of an Absentee-rental in Ireland and the Colonies—Party and Erroneous Principles in appointing Governors and Governor-Generals in the West and East Indies—Salaries, Fees, and Emoluments of Colonial Governors, Bishops, and other Officers.

COLONIAL and foreign possessions have had their origin in various causes—political, moral, and economical. Sometimes ambition prompted a state to seek more extended rule, or, it might be, impelled in the same course in the vindication of national wrongs, and the necessity of obtaining better security for its people, its commerce, and independence. Frequently external acquisitions have had their source in domestic strife and anarchy, in religious dissensions and persecution, or in the wants and natural desires of mankind to multiply their means of comfort and enjoyment. In the numerous colonies and vast territorial dependencies of Great Britain, all these different modes of acquirement have been in active operation; but the last, which originate in the exigencies and laudable efforts of a nation to improve its condition, form undoubtedly the most allowable and defensible pretexts for an extension of external dominion.

A community is overpeopled; it is oppressed by superfluous wealth and industry; or it may be dis-

tracted by irreconcilable internal divisions: what resort, under these disturbing influences, is more likely to afford relief, than to *plant out*—for the unhappy to seek new and quieter homes, and the unemployed and super-opulent new fields for the exercise of their industry and the productive investment of capital?

Colonization on these principles has the same foundation as the domestic usages of civil life. It is only the State following the example of individuals in their private relations. A family is large; it is inconvenienced by the number, adolescence, or restlessness of its members. They marry, or seek new homes; that is *domestic colonization*, by which the paternal hearth is relieved, and all who belonged to it, it is likely, are made happier. National colonization has similar beneficial results; it tends to the relief of the mother country, and to the creation and increase of independent states, as the marriages and severance of the members of a family do of individuals. Both originate in the laws and exigencies of nature; and, under ordinary circumstances, both tend in like manner to the advancement of human felicity.

The United States of North America have practically exemplified all that is here sought to be explained. Through all the vicissitudes of their history, whether free or dependent, they have been a source of benefit to England. By their first settlement, the parent State was relieved; they were an outlet for its political and religious discontents, and opened a new and boundless field of industrial enterprise. The rupture of their allegiance neither destroyed nor impaired the salutary relations previously subsisting, but augmented and accelerated their development. The wrong, if any was attempted on either side—for Britain had excusable

though mistaken inducements for seeking to perpetuate her trans-atlantic supremacy—was not in the resistance of the Anglo-Americans, but in the coercive efforts of England to prolong her dominion beyond its natural term of duration. The error was a parental one; and to return to our preceding illustration, is like that of parents who would keep their children in perpetual pupillage, and inhibit them from separate location and the setting up for themselves in the world.

We still continue to reap the fruits of our colonial enterprise two centuries past. American independence, we repeat, has been no drawback on this country. She is still our best friend and customer, and more than any other still contributes to our manufacturing and commercial prosperity. Suppose America had never been colonized, and helped forward by British settlers; suppose the development of her natural resources had been left to the Red Indian—to merely her own aboriginal agency—what beneficial relations is it likely would have now subsisted between her and England? Would a population have arisen to take annually from seven to nine millions of British produce and manufactures? Oh! no; she would in all likelihood have remained as destitute and as unprofitable a connexion as the Pampas or Oregon now is. Suppose a less extreme case, that she had not been left in her infant efforts wholly unaided by European arts, capital, and civilization, but that France or Holland had taken the start of us in her reclamation and settlement, we should, in this case, have suffered serious detriment. We should have lost all the advantages of first occupation and first impressions; of planting the English language, English habits, tastes, and wants, among a vast and unknown population, by which the dependence

of the Western world has been far more beneficially, and, it is likely, more permanently, guaranteed, than it ever could have been either by British tax-collectors or British grenadiers.

Besides establishing a present lien and future preference in the development of new countries, our first occupation of them conferred other national benefits. Our colonial policy may not have been the best; it may have partaken largely of the narrow spirit of the age; but it has always been more liberal than that of any other European state. At no period of history did we ever go openly to war against the natural fertility of the soil, to stint Europe in the supply of colonial products. But this was done by the Dutch, who actually rooted up the spice-trees of the Philippine Islands, lest Europe should be too abundantly supplied, and at too cheap a rate, with mace, nutmegs, and cloves. The policy of Spain was still more execrable. South America, in her hands, was no better than a vast prison-house: it was hermetically sealed against all the rest of Europe,—sealed, not only against European commodities, but European ideas. Strangers were all but excluded, and it was with much mistrust and difficulty that travellers could obtain an insight into her code of prison discipline. Her tyranny was twofold; extending over the minds of the people, as well as the natural capabilities of the country. The colonial policy of France hardly offers a brighter page. Indeed, France has hardly yet mastered the A B C of commercial legislation, either in her domestic or external policy. But these have been the chief colonizing states, next to ourselves. And what, we ask, would have been the probable consequences on the weal and progress of England, or even on the Colonies themselves, had they been allowed to

anticipate us in the possession of our colonial empire? Had Jamaica and Barbadoes—the Carolinas and Massachusetts—been first theirs, instead of ours, and had the spirit which revoked the edict of Nantes, and established the Inquisition, been allowed to extend its withering influence over their future destinies, in place of the spirit of Queen Elizabeth and Oliver Cromwell, would the Colonies have been what they are, or would England have been what she is—so rich and powerful—so supreme in commerce and industry; or, far above all these, would she have commanded, to the same extent, the means of national happiness?

To these questions it is hardly likely there can be great discrepancies in the answers. But we will throw aside their political bearings; we will not say a word on the degree which British colonies have contributed to the general opulence, maritime strength, and greatness of the empire; nor on the obvious fact that a great empire, governed on moderate and enlightened principles, is, wherever its sway extends, a great blessing to the world. We leave all these fruitful themes to orators, poets, and historians, and shall only dwell on the plain, homely truth, Have not colonies contributed immensely to the general advancement of the United Kingdom? Would its population have had the same command over the comforts and enjoyments of life without them? Would there have been the same appliances for wholesome, temperate, and luxurious existence, had the spice islands, and the coffee, sugar, rice, and cotton plantations been left to the foreigner? Would Dutch selfishness, Spanish bigotry, or French illiberality, to the same extent have multiplied their products, and afforded the means, in the same profusion, for heightening the enjoyment of every meal? What these states have done for themselves, as

well as what they have done for the foreign possessions dependent upon them, in the way of colonial government, trade, and industry, appear to afford sufficient answers to these inquiries.

We have dwelt upon this subject, because a disposition is sometimes evinced to undervalue the importance of colonies, or adopt erroneous views respecting them. They are, in truth, an inseparable adjunct to every great empire. Every prosperous country has a tendency to become redundantly rich and redundantly peopled. For these, new outlets must be found; new lands must be discovered or reclaimed, and the foundation laid of new communities. Colonization, for these ends, offers the natural remedies for natural disorders; and the nation that applies them cannot thereby be either weakened or impoverished. The errors of England, when she erred, have not been in this direction, but in another—in colonizing, as Old Rome did, for plunder and dominion. But her colonial wars have not been so frequent as sometimes represented. They originated less in outlying causes, than in causes nearer home—in her own bosom—in the propensity to fight on slight occasions. The bellicose passion was there, and the means to indulge it, both pecuniary and physical, abundant; and when this is the case, whether among nations or individuals, pretexts for quarrels will never be wanting,—trifles will serve. If there be no colonies to dispute about—no furs or cat-skins, Canadian boundary, Dutch barrier, Spanish succession, Montpensier marriage, to embroil communities—there is always at hand the bustling vanity, restless ambition, or vain-gloriousness of a Cardinal Alberoni, Baron Golf, M. Thiers, or Viscount Palmerston.

In her colonial system England has other sins than

war to answer for, but they are more venial. They have been an excess of parental fondness. She loved her offspring too well, nursed them too much, and clung to them too long. But her greatest failings have been redeemed by the adoption of the principle of free trade. The cordial that is good for the parent is not likely to be baneful to the children. Colonial emancipation—the abolition of dependence and protection—of differential duties and drawbacks—and even of the famous Navigation Laws—all appear only so many practical corollaries of entire commercial freedom, that remain to be worked out as time and opportunity will serve.

II.—COLONIAL EXPENDITURE AND COMMERCE.

The preceding section has been general and retrospective. It was an indispensable preliminary to a just estimate of the colonial system; but the rest will be more practical. Having explained the national exigencies in which foreign possessions originate, and the public benefits resulting from them, we shall proceed to examine the present value of English colonies, the commercial benefits of which they are productive, and the price annually paid by the people of England for the realization of these benefits.

The number of British colonies is forty-four. Of these, eleven, including Gibraltar, Malta, the Cape of Good Hope, Hong Kong, and places of that description, are military and maritime stations, kept up either to facilitate commerce, or for the maintenance of the general strength and security of the empire. The plantations and settlements, consisting principally of the West India Islands and the British North American provinces, are thirty-two in number, valuable chiefly for their tropical or other products, for the purposes of

commerce and consumption. The two remaining colonies of New South Wales and Van Dieman's Land, are penal settlements, for the reception of criminals.

The first class of Colonies are protective, and entail the chief part of the expense incurred by England in the support of her colonial system. They seem unnecessarily numerous. For example, what use is there in the retention of the Ionian Islands, with Malta and Gibraltar in our hands? Mauritius and the Cape of Good Hope have been chiefly of use to the East India Company, which ought to have defrayed the charges of their military occupation. The settlements of Sierra Leone, and on the west coast of Africa, have been a constant drain on British life and treasure, and had better been long since abandoned, having wholly failed in the attainment of the objects intended. Although the Canadas have been consolidated under one government, and are apparently tranquil, it is doubtful whether it would not have been more favourable to the interests of the mother country, had they been successful in their recent efforts at independence. England would have lost nothing, and saved a great deal. They would have continued as wide a field for British enterprise as before, and probably as accessible. Judging from the antecedent example of the United States, neither our manufactures, commerce, nor shipping would have suffered diminution by the abandonment of them to self-government. The sums they have cost England have been immense. Almost twenty years since, Sir H. Parnell estimated the total sum expended on the Canadas at fifty or sixty millions; and we have been laying out the best part of a million annually upon them ever since.

But it will be convenient first to introduce a general statement of expenditure on Colonies of every descrip-



tion. The subjoined return is the latest presented to Parliament, and exhibits the *net* military, naval, and civil expenditure; and also the total net annual expenditure incurred by Great Britain, in the maintenance of her outlying provinces.

COLONIAL EXPENDITURE; specifying the Net Military, Naval, and Civil Expenditure, in the British Colonies; and the Total Expenditure incurred by Great Britain, in the year 1843-4.

	MILITARY.	NAVAL.	CIVIL.	TOTAL COST.
MILITARY STATIONS.				
Gibraltar . . .	£219,465	£2,071	£4,482	£226,019
Malta . . .	106,659	34,164		140,702
Cape of Good Hope	294,781	2,279	3,505	300,566
Mauritius . . .	87,031		5,271	92,302
Bermuda . . .	79,806	16,358	35,282	131,447
Falkland Islands .	964		3,686	4,650
Ascension . . .		6,114		6,114
Heligoland . . .			1,095	1,095
Ionian Islands . .	131,227		1,613	132,840
St. Helena . . .	28,000		11,143	39,143
Hong Kong . . .	4,997	78	3,293	8,370
SETTLEMENTS.				
Jamaica . . . }	204,636	5,174	21,602	231,413
Bahamas . . . }				
Honduras . . . }				
Barbadoes . . . }				
Grenada . . . }				
St. Vincent . . . }				
Tobago . . . }				
Antigua . . . }	308,750	810	52,860	362,421
Montserrat . . . }				
St. Christopher's .				
Nevis . . . }				
Anguilla . . . }				
Virgin Islands . .				
Dominica . . . }				
St. Lucia . . . }				
Trinidad . . . }				
British Guiana . .				

COLONIAL EXPENDITURE, *continued.*

SETTLEMENTS.	MILITARY.	NAVAL.	CIVIL.	TOTAL COST.
Lower Canada. . }	£525,226	£708	£16,222	£542,157
Upper Canada . }				
Nova Scotia . . }	173,030	3,630	17,873	194,534
New Brunswick . }				
Prince Edwd.'s Is. }				
Newfoundland . }				
Sierra Leone . . }	38,163	169	13,089	51,421
Gambia . . . }				
Cape Coast . . }				
Ceylon	109,282	2,446	424	112,152
Western Australia	3,461		1,152	4,614
South Australia .	1,288		10,179	11,467
North Australia .			1,766	1,766
New Zealand . .	2,198		16,270	18,468
PENAL SETTLEMENTS.				
New South Wales }	189,005		320,000	509,033
Van Dieman's Id. }				
General Charges .	48,941			48,941
	2,556,919	74,005	540,842	3,171,646

It thus appears that the net annual cost of the Colonies, to Great Britain, is 3,171,646*l.* For whose benefit is this vast sum annually expended? There are valuable offices and sinecures in the Colonies, we know, and shall soon exhibit; lucrative governorships, bishoprics, secretaryships, registrarships, agencies, and what not; but these do not profit the people of England. What return do they receive for the squandering, on such objects, the produce of the window-duties, sugar, tea, soap, and malt duties? They may be a convenient refuge for the younger branches of the aristocracy, who have been despoiled of their patrimony by entail and

primogeniture laws; but what national benefits accrue from them?

There are only four, or at most five ways, that Colonies can be advantageous to the mother-country. 1. As a reproductive outlet to surplus industry and capital. 2. In furnishing a military station for mercantile and political protection. 3. In supplying the parent state with a revenue. 4. In affording commercial advantages. 5. By the remission of an absentee-rental to the proprietors of colonial lands and plantations.

To the first of these uses we have already done ample justice, and conceded their past and present usefulness; but our aristocratic Government has never evinced any great zeal in this direction. It held out no immediate prospect of advantage to themselves—only the productive classes; and they have always nicely calculated the expense per head, in any national scheme of colonization, and begrudged and refused the outlay. Next, as to aiding us with a military force; so far from being auxiliary, they have always been a great drain upon our resources, particularly in war, when they occupy a large portion of the army and fleet in their defence. England, during peace, might almost dispense with a standing army; but in the Colonies and Ireland the demand for the military is seldom interrupted, nor hardly diminished; and from these two sources only arise nearly one-half of the expenditure on the national forces. As to colonial revenue, that is something worse than *nil*; for the Colonies, as shown in the above returns, draw from the mother-country, yearly, upwards of three millions. There remain, then, only commercial advantages, and the absentee-rental, to keep England in good humour with her numerous and not a little burdensome family. Upon each of these we shall make a pause.

Commerce is mutually beneficial, and a fair source of gain; and we shall endeavour to ascertain its value with the Colonies, and the proportion it bears to that with foreign countries. It is a question of accounts, and can only be settled by figures.

In the last returns to Parliament, we find that the declared or actual value of the British and Irish produce and manufactures, exported from the United Kingdom to all parts of the world, in the year 1845, amounted to 60,111,082*l*. Of this export of commodities, 49,897,518*l*. was the proportion exported to foreign countries, and 10,213,564*l*. to British Colonies. We subjoin the names of the foreign countries, as well as the Colonies, to which these exports were respectively made, and the quantity exported to each.

EXPORTS TO FOREIGN COUNTRIES.

Russia	£2,153,491
Sweden	123,730
Norway	163,512
Denmark	258,558
Prussia	577,999
Germany	6,517,796
Holland	3,139,035
Belgium	1,479,058
France	2,791,238
Portugal, Proper	980,389
" Azores	50,938
" Madeira	27,507
Spain and Balearic Islands	676,636
" Canaries	42,272
Italy and Italian Islands	2,601,911
Morea and Greek Islands	35,577
Turkey	2,211,278
Syria and Palestine	631,631
Egypt	291,850

BRITISH COLONIES.

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Tripoli, Tunis, Algiers, and Morocco	£30,360
Ports of the Red Sea	1,500
Cape de Verd Islands	1,257
Bourbon	250
Arabia	16,067
East India Company's Territories and Ceylon	6,703,778
Sumatra, Java, and Islands in the Indian Seas	515,473
Philippine Islands	115,515
China	2,394,827
Hayti	215,072
Cuba and Foreign West Indies	1,249,015
United States of America	7,142,839
Texas	4,824
Mexico	347,130
New Grenada, Venezuela, and Escuador	390,149
Foreign Settlements on the North-West coast of America	1,077
Brazil	2,493,306
Rio de la Plata	592,279
Chili	1,079,615
Peru and Bolivia	878,708
Guernsey, Jersey, Man, &c.	379,071
	£49,897,518

EXPORTS TO BRITISH COLONIES.

Gibraltar	£768,928
Malta	189,995
Ionian Islands	209,612
Western Africa	532,028
Cape of Good Hope	648,749
St. Helena and Ascension Islands	29,117
Mauritius	345,059
Australian Settlements	1,201,076
South Sea Islands	43,045
British North America	3,555,954
British West Indies	2,789,196
Falkland Islands	814
	£10,213,564

The results from the above comparative statement merit attention, and help to settle some prevalent errors. The Colonial trade is evidently of importance to the general prosperity; it forms upwards of *one-sixth* part of the entire commerce of the empire, and in the same proportion contributes to support the internal traffic and industrial activity dependent on the export trade of the United Kingdom. Our greatest customers, after all, appear to be the Colonies; they exceed even the United States: but gold may be too dearly bought, and the nation pay too high a price for its colonial trade. Hence arises the long list of woes, the heavy drawbacks on this branch of external commerce. Messrs. Cobden and Bright could enumerate them at once,—they have them at their fingers' ends, and could count off directly how much every man, woman, and child in the kingdom pays yearly in protective duties on sugar, coffee, treacle, rum, and timber. We will not, however, trouble the reader with a repetition of their computations, since all the ills they import are, we trust, doomed, along with other lumber of a dark age, to the tomb of the Capulets, and it is useless to dwell on the past or present miseries they have inflicted, in the illusive effort to bolster up a partial or monopolizing interest. Ireland and the West Indies stand in the same category of England's afflictions; they are her poor relations, or ill-thriven children, and she will scarcely ever know the last of the cost entailed by their disastrous affinities. But one item of West Indian charge is too awful to pass unnoticed. A military expenditure of *three millions* is too serious an outlay not to be dwelt upon. No profit on the ten millions of colonial exports is likely to compensate this heavy drain on the national resources. It is thirty per cent. on the

declared value of the merchandize exported, and no probable gain on cottons, linens, hardware, or even drugs, can be an equivalent for this sacrifice, and the burden it imposes on the mother country. It follows that if the Colonies have nothing to shew but their trade, they must be given up; they are a dead and uncompensated loss to the British community.

But they have something else to adduce. There is the **ABSENTEE-RENTAL**, spent in England or elsewhere, by the colonial proprietors. Will this compensate for three or four millions of taxes? Will it pay the military, naval, and civil outgoings of the Colonies? We fear not. But certainly there ought to be no absentee-rental, if the Colonies cannot defray the expense of their own defence and government. This absentee-rental, both in the Colonies and Ireland, is a monstrous imposition on the common sense of mankind. What in reason can any country have to remit abroad, if it has not wherewithal for its own necessary wants and charges at home? Is it not unbearable that any herd of vagabonds, whether from Ireland, Jamaica, or Barbadoes should be wandering here and there—at Bath, Cheltenham, London, Paris, or Rome—divested of all the cares and duties pertaining to their station, yet sucking the juices and wasting without return the fruits of the soil and industry of their respective resident populations?

This is an outrage on justice that must be redressed. Attached to property are duties, as well as rights—and this truth it is high time the landlord class should everywhere be taught. There can be no absentee-rental, nor hardly rental of any kind, where a country has been so misgoverned, ill-cultivated, or perhaps openly impoverished and plundered, that it is without the means to provide for its own indispensable security

and conservation. Necessary and home charges must be met, ere there can be a surplus to remit or consume by any body. Everywhere the landed proprietors have assumed the exclusive right to govern, and have monopolized all the honours, power, distinction, and pay of Government; and if they have failed in their clearly implied engagements, either from lack of honesty or lack of ability, they are liable, in purse or person, as in the case of other bankrupt undertakings.

As to that particular species of income, the rental of absentees—whether from the West Indies or Ireland, there can be no dispute about it. Why should a clergyman be required to reside, and not a landlord? If one has a flock and tithes, the other has tenants and rent. They have both a *cure*, and the duties, in one case as well as the other, if not adequately fulfilled, their income annexed ought to be sequestrated.

But public, as well as private wrongs pervade colonial management. The grievances of the Colonies do not exclusively consist in having a large non-resident proprietary, who receive, and dissipate elsewhere, the revenues of the soil, leaving their duties to be discharged by hireling attornies, agents, and middlemen; but they have also political iniquities to complain of—shameful abuses of government and patronage. These last partly originate in the defective constitution of the Executive Government at home, on which we dwelt in a former chapter, and the baneful influence of whose fluctuating existence is felt both in the eastern and western hemisphere. For example, how many Governor-Generals have been sent out to the East Indies during the last seven years? What were the inducements to their promotion—what services had they rendered—what superior fitness had they evinced to recommend

them to their very responsible elevations? Lord Auckland has been one, and almost the first of them, and initiated, on the most weak and idle pretexts, the disastrous invasion of Cabul, in which the Anglo-Indian army was utterly destroyed, and 17,000,000*l.* of money uselessly expended. But who was this ill-starred Indian viceroy? What had he done, and what were his official pretensions? The public only knew him as a court pensioner; he was understood to be a pet lord of a Whig coterie; feeble and inert, but an amiable and domesticated bachelor, whose poverty made 25,000*l.* per annum not unacceptable in defraying the expenses of his household; he had, however, never evinced any great capacity or administrative gifts to tender in return. This pageant passed; next was ushered on the stage *Bombastes Furioso*, the ex-clerk and *custos brevium* of the Court of Queen's Bench. Lord Ellenborough was chiefly known to the public from his connubial misfortunes, and fastidious attention to personal appearance. He had certainly established no reputation for wisdom in the Senate, nor for governing abilities at the Board of Control. But the Tories had replaced the Whigs; they had come in, so his lordship must be sent out. That was his certificate for the rule of an empire. His reign was short; his Napoleon imitations were well enough suited to the scene, but not to the taste of the time, and he was suddenly recalled, and the present Governor-General appointed. Viscount Hardinge has shown himself a brave and able soldier, but of his civil qualifications the world has had no proof. But fit or unfit for his high office, he is not a Whig, and the Whigs, it is understood, are moving—in due fear of his patron the Duke—heaven and earth to remove him, and make way for one of themselves.

These examples are enough, for the present, to illustrate our purpose. High appointments are often given to individuals, not from their fitness for them, but from personal favour, or the uncertain contingency of party predominance. From this vice of the Executive, both the East and West Indies have suffered. Who should be their Governors—on whose knowledge, experience, and public spirit their destinies should depend—formed a problem of precarious solution, not dependent on the merits of the persons selected, but on their private connexions,—on royal caprice, or party tactics and ascendancy.

The fate of communities, however, ought not to be at the mercy of such accidents. What inconsistencies they evince in our laws and usages! A parish priest or village apothecary must be trained for his vocation; he must be educated, examined, and licensed, ere he can practise. But anybody will do for a Governor or Governor-General. A military dandy, a pedant from Oxford or Cambridge, or dawdler at a drawing-room will suffice, provided he has a Whig or Tory Foreign Secretary, Lord President, or First Lord of the Treasury to lead him out. It is an abuse that a reformed Parliament ought to cease to allow; and it ought especially to interfere to check the absurd and unreasonable foppery that gives, in official appointments, such undue precedence to military pretensions. It is not the soldier, but the civilian, that is abroad. It is not men of war, but men of peace, that form the requisites of the age. It is not embryo Alexanders, nor Hannibals, the world needs, or that ought to be chosen to domineer, in idle pomp or hurtful belligerent activity, in our foreign possessions; but men gifted like a Lord Sydenham, or Lord Metcalfe; versed in

the principles of just laws, and a responsible administration of them; eminent, too, in commercial knowledge, in the statistics and resources of the countries they are sent to rule over, and in general scientific acquirements. In lieu of hunting for testimonials of fitness in the Gazette, or referring to the Horse Guards, it would be far more suitable to the time and its exigencies to refer to the Board of Trade, or even the London University.

The Colonies have other difficulties to grapple with besides an incompetent Executive administration. They are groaning under the burden of officials, both lay and clerical. The expenses incurred from this class of consumers is enormous, and partly paid out of Colonial funds, and partly out of Parliamentary grants. We shall subjoin a long list of these absorbents, and which we hope the reader will consider with attention. He will be especially struck with the number of little Church establishments there are in our trans-atlantic possessions,—what arrays of Bishops, Archdeacons, Rectors, and other spirituals there are in almost every little island and province, luxuriating on incomes—for our limits will not admit a lower descent—exceeding 1,000*l.* per annum.

GOVERNORS, BISHOPS, SECRETARIES, and other OFFICERS, in the COLONIES, whose Incomes in one Year exceeded 1,000*l.*

CANADA, &c.—		
Elgin, Earl of, Governor-General	... ..	£7,000
Mountain, Rev. G. J., Bishop of Montreal	... ..	1,000
Archdeacon of Quebec	... ..	500
Rector of Quebec	... ..	400
Allowance for House-rent	... ..	90
These stipends to the Colonial pluralist paid by the Mother Country.		

Signey, M. J., Roman Catholic Bishop of Quebec	£1,000
Ditto Allowance for rent of Palace ...	1,000
Half paid by parliamentary grant, half from colonial funds ...	2,000
Stuart, Sir J. Chief Justice, Lower Canada ...	1,500
Robinson, J. B. ditto Upper Canada ...	1,500
Jameson, R. S. Vice-Chancellor ...	1,125
Smith, James, Attorney-General, Lower Canada	1,500
Member of Executive Council ...	100
Draper, W. H. Attorney-General, Upper Canada	1,080
Member of Executive Council ...	100
Taschereau, J. A., Solicitor-General, Lower Canada ...	1,000
Member of Executive Council ...	100
Rawson, R. W. Chief Secretary ...	1,500
Harrison, S. B., Secretary of the Province, West	1,000
Member of Executive Council ...	100
Daly, Dominick, Secretary of the Province, East	1,000
Member of Executive Council ...	100
Dunn, John Hervey, Receiver-General ...	1,200
Member of Executive Council ...	100
Hinks, Francis, Inspector General ...	1,000
Member of Executive Council ...	100
Sullivan, R. B. President, Executive Council ...	1,000
Member of Executive Council ...	100
Harvey, Sir John, Lieut. Gov. Nova Scotia ...	3,500
Inglis, J., Bishop of Nova Scotia ...	2,000
Colebrooke, Sir. W. M. G. Lieut.-Gov. New Brunswick ...	3,000
Lieutenant-Colonel Royal Artillery ...	330
Chipman, Ward, Chief Justice, New Brunswick	1,199
Odell, W. F. Colonial Secretary ditto ...	1,738
Baillie, T. Surveyor-Gen. ditto ...	1,072
Huntley, Sir H. V. Lieut.-Gov. Prince Edward's Island ...	1,060
Bruce, Hon. W. A. Governor of Newfoundland	3,000
Norton, I., Chief Justice, ditto ...	1,200
Reid, Lieut.-Col., Governor of Bermuda ...	2,726
Lieut.-Col. Royal Engineers ditto ...	293
Higginson, J. M., Governor of Leeward Islands	3,203
Davies, Rev. G., Bishop of Antigua ...	2,000
D'Urban, Lieut.-General, sen., B. Governor of the Windward Islands, St. Lucia ...	4,000
Parry, Rev. T., Bishop of Barbadoes ...	2,500
Clarke, Sir R. B., Chief Justice do. ...	2,088
Mathew, Sir F., G.B., Governor of Bahama ...	2,244
BRITISH GUIANA, &c.—	
Light, Henry, Governor ...	5,000
Austin, Rev. W., Bishop of Guiana ...	2,000

Fery H., Chief Justice	£2,500
Thomas, First Puisne Judge	1,500
e, Thomas, Second Puisne Judge	1,500
H. C. F., Government Secretary	1,500
W., Attorney-General	1,100
S., Registrar Admiralty Court	1,200
ll, T. C., Provost Marshal	1,731
leo., High Sheriff	1,250
, J., Receiver-General	2,000
n, S. A., Vendue Master	
ald, Lieut.-Gen. G., Lieut.-Gov. Dominica	1,300
n, K. B., Lieut.-Gov. Grenada	1,397
son, J., Chief Justice do.	1,066
Ousley, Registrar and Clerk do.	1,161
t, St. John, Governor of Honduras	1,800
it-Colonel Royal Artillery	479
CA, &c.—	
r C. E., Governor	8,000
Rev. A. G., Bishop of Jamaica	4,000
en. E., Archdeacon of Kingston	2,000
sir Joshua, Chief Justice	3,000
gall, W. C., Assistant Judge	2,000
on, W., Ditto	2,000
, C. C. F., Island Sec. and Clerk to Council	2,940
, J. A., Provost-Marshal-General	2,740
er of the Black Rod	270
e Sec. and Registrar, Demerara	1,000
s, J., Receiver Gen. and Treasurer	3,000
R., Registrar in Chancery	1,200
. Sir M. H., Clerk of the Inferior Court of udicature	2,800
gham, C. T., Lieut.-Gov. St. Christopher Lately deceased	1,420
John, Chief Justice St. Lucia	1,200
ll, Sir John, Lieut.-Gov. St. Vincent	
Major L., Ditto, Tobago	1,392
n, John, Sec. and Registrar, do.	1,147
DAD, &c.—	
Lord, Governor	3,500
i, George, Chief Justice do.	2,000
n, L. F. C., Puisne Judge	500
Ant., Ditto	500
Lieut.-Gen. Sir P., Governor of Malta	5,000
Gen. Sir R., Governor of Gibraltar	5,000
. 15th Light Dragoons	1,390
OF GOOD HOPE:—	
er, Major Gen. Sir H., Governor	5,000
Colonel J., Lieut.-Gov., Eastern District	1,500
Sir J., Chief Justice	2,000
s, W., First Puisne Judge	1,500
ck, G., Second Puisne Judge	1,500

Bell, Colonel, Colonial Secretary	£1,500
Porter, W., Attorney General	1,200
Macdonald, Col. George, Gov. of Sierra Leone...	2,483
Carr, John, Chief Justice, ditto	1,500
CEYLON:—	
Campbell, Lieut.-Gen. Sir Colin, Governor ...	8,500
Glenie, J. M. S., Archdeacon of Columbo ...	2,000
Oliphant, Sir A., Chief Justice	2,500
Carr, W. O., Senior Puisne Judge	1,500
Stark, James, Second Puisne Judge	1,500
Buller, Arthur, Queen's Advocate	1,200
Anstruther, Philip, Colonial Secretary ...	2,000
Commissioner of the Colonial Treasury ...	200
Wright, H. Account.-Gen. and Comptroller ...	1,500
Turnour, George, Treasurer	1,500
Templer, F. J., Collector of Customs	1,623
Commis. of Colonial Treasury	200
Price, James, District Judge of Jaffna ...	1,000
Contingent Allowance	250
Mooyaart, J. N., Gov.-Agent	1,200
Dyke, P. A., ditto Western Province	1,200
Rodney, J. S., ditto Eastern Province	1,200
MAURITIUS and ST. HELENA:—	
Gomm, Major-Gen. Sir W., Governor	7,000
Wilson, James, Chief Judge	2,000
Surtees, S. V., Vice-President of Appeal ...	1,200
Romono, J. C., Acting Judge of Court of Appeal	1,200
Colin, B., President, Court of First Instance ...	1,200
Depenay, P., Procuror and Advocate-General	1,750
Dick, G. F., Colonial Secretary	1,500
Kelsey, W. J. Auditor-General	1,250
Sheridan, F. C., Treasurer	1,200
St. John, C., Chief of Medical Dept.	365
Assistant Inspector of Hospital	945
Rosse, Sir. P., Major-Gen. Governor of St. Helena	2,479
NEW SOUTH WALES:—	
Fitzroy, Sir C. A., Governor	5,000
Broughton, Rev. W. G., Bishop of Australia ...	2,000
Dowling, Sir James, Chief Justice	2,000
Burton, W. W., Judge	1,500
Willis, J. W., ditto	1,500
Stephen, Alfred, ditto	1,500
Thomson, Edward Dear, Colonial Secretary and	
Registrar of Records	1,500
Plunkett, J. H. Attorney General	1,200
VAN DIEMAN'S LAND:—	
Denison, Sir W. I. Lieutenant-Governor ...	2,500
Pidder, Sir J. L., Chief Justice	1,750
Montagu, A., Puisne Judge	1,200
Montagu, John, Colonial Secretary	1,200
Grey, George Governor of New Zealand ...	1,200

Pensions.

Revival of Political Abuses—Glance at past Misrule—Government ceased to be Progressive—Symptoms—Diversion of the Ecclesiastical Fund from Poor to Rich Clergy—Creation of New Bishops—Enormous Increase of Military Establishments—History of Civil List Pensions—Limitation of them—List of Court Pensions, with the Explanations given by the Pensioners of their Origin—Pensions resigned, suspended, or disallowed—Pensions granted under Queen Victoria, especially to Men of Science—Parliamentary and Military Pensions—General Policy of the Pension System.

THE popular outcry against the squanderings of the Government, about the period of the Reform Bill, was not without fruit. After a pertinacious and wily resistance, the task of revision was entered upon, and any economical reforms made in the public administration. Next in utility to the removal of abuses, is a constant vigilance that guards against their reproduction in any new or analogous shape. Political corruption is not only tenacious of life, and hard to eradicate, but possesses great power of transformation, so as to escape challenge and detection.

In the heyday of unchecked misrule, no practice was more frequent and flagitious than that of official men quartering their families on the produce of the taxes. Nobody could obtain the slightest hold of the public arcase, whether in the Public Offices, the Courts of Law, the Colonies, or the Church, but they tried to fasten upon it also all their relations, connexions, and dependents. The devices resorted to for bringing the entire family circle within shelter of the *pallio cooperire*,

were infinite in number. If no positive employment was open, or those left out were unfit for active duties, they were pitched into sinecures and reversions, sometimes to the second, the third, or the fourth generation. If no sinecure or reversion were to be had, then a pension was sought on the Scotch, Irish, or English Civil List, or on the $4\frac{1}{2}$ per cent. West India duty. If the wished-for haven was full, or inaccessible in this direction, and as room must be found somewhere, then, perhaps, an artificial vacancy was created; the present holder of an office was prematurely superannuated, and an opening thereby made for the new candidate, whose predecessor, it is likely, was again brought forward in some other appointment, after a brief retirement. For those for whom no immediate provision could be made, either by place, grant, pension, or compensation, and whose present incomes were thought insufficient, a kind of out-door allowance was temporarily granted, till they could be better provided for. All, however, by some contrivance, were brought upon the public roll; it was a complete Irish or Scotch inroad, and no one of the same clan or kindred was excluded. Not only were descendants and collaterals made partakers of the national affluence, but sympathy spread upwards, and in other directions; provision being made for the wives of placemen, or for widows on the death of their husbands, or for children when they married; and the mothers of several noblemen, in good circumstances, and well able to maintain their parents, as the statute of Elizabeth directs, were charged upon the public store. The office might be mean in name, but if little or no duties were annexed, and great pay, it was eagerly sought by the highest classes. In this way the Beresfords, in Ireland, became *wharfingers*.

craners, and *packers*: one nobleman was clerk of the pipe, part of whose business was to be train-bearer to the Lord Chancellor; another condescended to be a *wine-taster*: a lady of high rank—a duchess—was, and we believe still is, the collector of the customs outwards; another high-born dame was *sweeper* of the Mall. No such jobs can be now perpetrated to a like shameless extent; the grant of superannuations has been made more strict; pensions have been brought under the cognizance of Parliament, and some of the chief sinecures abolished. All these reforms, however, were prospective. Existing interests have been respected; in consequence, a heavy load of incumbrances still continues to be borne by the people, the fatal bequest of past times of iniquitous government.

Since the restoration of the Melbourne Cabinet, in 1835, there has been little or no endeavour at further political reforms. In lieu of gratitude for the popular demonstration that had replaced them in power, they appear to have considered themselves, aided by the support of a septennial Parliament, newly-elected, relieved from the need of further concessions. It was under such circumstances that the doctrine of finality was promulgated, to foreclose, apparently, both the hope and effort at further progress. From this period the hand of Esau has weighed upon the country; commercial reforms there have been, but the great questions of ecclesiastical, legal, municipal, educational, and university reform have drifted to leeward. There have been even symptoms of a desire to revive the worst practices of the Gatton and Old Sarum *regime*; the Newport-Monteagle affair, already noticed, is one example, and the increase and disposal of the patronage of the Great Seal afford another. What profusion

too. has been recently evinced by the late extensive brevet promotion, and the grant of military pensions, for two or three lives, for Indian victories. If rewards were needed for Oriental triumphs, it was the East India Company, who are most benefited by our Eastern possessions, that ought to have made adequate provision for them, in lieu of burdening, for an unknown period, the nation at large. But still more ominous signs may be discerned, and which sufficiently evince that unless the people are watchful and strenuous in resistance, the worst inflictions of boroughmongering rule may be again revived.

It will be remembered that, in 1836, the hope was cherished by many, of a thorough reform in church abuses. An Ecclesiastical Commission had been appointed; bills were passed to restrain pluralities and enforce residence; the promotion to certain sinecure cathedral dignities, as they became vacant, was suspended, and provision made for the consolidation of some of the minor sees, and the reduction and part equalization of episcopal revenues. These amendments were, as usual, prospective; but they were wholesome so far as they went, and might, on the homœopathic principle, have been restorative in the lapse of ages. It could not be expected that immediate or efficient remedies would be propounded by a council of bishops, and it was of bishops that the Commission chiefly consisted. Prelates had been the chief sinners; it was their political servility, lax discipline, and nepotism, that had been mainly instrumental in the disparagement of the Establishment in public estimation. But the suggestions from this suspicious quarter were not entirely without value. The project for uniting the smaller sees was commendable, as well as that for augmenting the value of poor

livings out of the suppressed canonries. But even these samples of church reform seem likely to miscarry. The plan of uniting the Welsh sees of Bangor and St. Asaph has been already abandoned, and the fund for the improvement of poor livings is likely to be seriously encroached upon, if not absorbed, by the erection of new bishoprics. In lieu of lessening the number of sees, four additional ones are to be created, and their incomes provided out of the ecclesiastical savings. The poor curates and beneficiaries certainly ought to cry out against this diversion of the fund originally intended for their benefit. But the most injured and oppressed are seldom the most complaining; it is those next above them that resist—the lowest links of the social chain, in every grade of life, being mostly too devoid of heart and strength for public utterance and agitation.

Leaving the BISHOPS' JOB, we shall come to another public manifestation, still more demonstrative of the revived aristocratic tendencies of the Government. This is in the enormous increase, within the last few years, of the Military Establishments of the country. Probably there never was a period when the signs of continued peace were more satisfactory and better assured. It is only in the bureaux of foreign ministers and newspaper writers that the martial spirit is rife and restless; the people themselves are peaceable, and wholly engrossed in the pursuits of peace. With, perhaps, only a single exception, the sole objects of the continental nations appear to be to rival England in commerce, manufactures, and general opulence. Ships, colonies, and constitutional governments are apparently their sole aim. France, however, is said to be otherwise disposed; she has spent, we are told,* in a very short time, eleven

* Sir De Lacy Evans, House of Commons, March 1, 1847.

millions in the fortifying of her capital and seaports. So much the better, we say, if her disposition be quarrelsome. The more she spends, the less resources she will have for fighting. It is a full exchequer, not an empty one, that furnishes the sinews of war; and into this predicament our neighbours seem fast hastening. Is it fit that we should imitate her? Because she has built a wall round Paris, ought one to be forthwith run up round London? Because she has an army of 300,000 men for playing at soldiers, ought we to have another of equal force to match it? What idle pretexts are these to urge for the wasteful estimates of the present session of Parliament? Did ever any Englishman, before the military M.P. for Westminster, ever set up France as a model for England to follow, except in peruke or boot-making, or the inditing of balderdash novels? If France is inclined to be again troublesome, England is not unprepared. She is a well-stored magazine, and, like a lovely bride, can be equipt at a moment's notice, either for sport or combat. Her arms are at hand, her forges red-hot, and her furnaces ever in blast; and without menace or useless display, she is ready for any foe by land or flood.

It is possible, however, that serious national mischiefs may ensue from such parliamentary and newspaper alarmists. It is certain, that if two great nations prepare to fight, it is likely that they will fight; or, at least, the chances in favour of that issue are augmented. People are led to expect it. Why such preparations, and no conflict? Everybody is disappointed of the martial show and the excitement. Many would like to see the new discoveries of science brought to the test of actual warfare; to see—or at least hear—how the new fuzees would burn—how Warner's long range, Dundonald's explosive

gas, and Perkins' steam gun would tell — and what havoc steam squadrons would make, bristling on all sides with death, and moving in every direction with the speed of fiery chariots. It would certainly be very interesting to many, to learn the results of this formidable apparatus of slaughter, but at the same time the cost, and the miseries it would entail, ought not to be wholly forgotten. We ought, in particular, to think how the world's progress would be arrested; or, without dwelling on this item, which may be too general for exact appreciation, it certainly concerns Englishmen to think of another, smaller in amount, but more nearly concerning them, namely, the Dead Weight; and which for the last thirty years, has saddled the country with an annual charge of four or five millions, for widows and orphans, lost legs and arms, the superannuated and unemployed, with other leavings and redundancies of the long death's feast of carnage that ended at Waterloo.

Lately, Parliament has evinced a culpable indifference to the reproduction of enormous public calamities. It can hardly, however, be entirely forgotten, with what difficulty after the Peace the overgrown establishments of the country were beaten down, and what heavy and seemingly interminable burdens have survived their reduction. Despite these admonitions, the House of Commons has connived at a vast increase within the last ten years in every branch of the military service—Army, Navy, and Ordnance. It is a fact, that since the year 1822, the estimates for these outgoings have never been so lavish as in the present session, and this at a moment when the prospect of a surplus revenue has all but vanished, and a contract for a peace-loan of eight millions has just been con-

cluded. The rapid progress made in the pernicious work of increasing the public expenditure for public mischief, may be shewn from a single comparative statement. In the years 1835, 1836, and 1837, the aggregate expense of the Army, Navy, and Ordnance, was 43,424,039*l.*, giving an annual average expense of 14,474,679*l.* In the years 1842, 1843, and 1844, the aggregate expense of those branches of service was 55,508,866*l.*: yielding an average of 18,502,955*l.*; thus, in three years, there had been an excess of 4,028,276*l.* The Army alone at present exceeds by 54,000 men the number kept up from 1834 to 1839. Yet there is nothing to discern in the domestic or external circumstances of the country to warrant this augmentation of force and expenditure. Owing to the greater facilities for transport and telegraphic communication from one part of the kingdom to another, it might have been thought that less, rather than a greater amount of force and cost, would have been adequate to all probable exigencies. It is not, however, the wont, nor perhaps the policy of any government to retrench, unless enforced by the people or their representatives. With two or three exemplary exceptions, the present House of Commons has shewn itself as reckless of expense as if public economy formed no part of its delegated vocation. Most of the lavish grants of this session have been carried with empty benches; when those for the Navy and Ordnance were voted, only twenty-nine members were present. What we have said will help to put the nation on the alert, and as a general election is approaching, an opportunity will be afforded for weeding the Legislature of treacherous or negligent guardians of the public purse.

The examples just adduced will serve another useful purpose, in elucidating the tendency of Government

to become retrograde in lieu of progressive, both in secular and church reforms. In times of increasing Dissent, and the sudden uprising of the new Presbyterian Church of Scotland, who would have expected an attempt to multiply lawn sleeves? The names of some of the new sees show the kind of revival that is aimed at. A Bishop of St. Germain's certainly savours of Puseyism, if not Jacobitism. However, having indicated the direction of the wind, we shall enter upon the main subject of the chapter, namely, PENSIONS.

In this description of expenditure, the lavishness and favouritism of the Executive have been regulated,—not effectually checked. If abuses of any extent be indulged in, it can only be with the concurrence of the Imperial Parliament. This chapter of misrule being all but closed, it may be useful and interesting, before exhibiting the existing Pension Roll, to glance at its past history.

Down to a period not very remote, no restraint existed on the power of the Crown to grant pensions; it might even grant away and alienate any part of its ancient patrimony, consisting either of real or personal property. It was under the exercise of this license that a very considerable proportion of the landed property of the kingdom, both in England and Ireland, became vested in the servants or personal favourites of the Sovereign. Such practices were indefensible, the possessions of the Crown being public property annexed to the regal office, not to the person of the monarch, who at most had only a life-interest in them, and could have no right to grant them in perpetuity to private individuals. It was to restrain this abuse that I. Anne, st. i., c. 7, was passed, which prohibited both the Queen and her successors from making any grants either of the landed revenues of the Crown,

or of the hereditary revenues of the Excise, or Post-office, for a longer term than thirty-one years, or during their own lifetime.

But this statute did not interdict the Sovereign, or her Ministers, from granting pensions or annuities payable out of the Civil List. The Civil List was a fixed sum, which, from the revolution of 1688, had been granted by Parliament at the commencement of each reign, in lieu of the hereditary revenues of the Crown, to defray all the charges, personal and public, of the kingly office. Out of this Parliamentary annuity the King might pension to any amount, for any purpose, without check or accountability. This continued until the passing of Mr. Burke's celebrated bill of economical reform in 1782. By this measure the pensions chargeable on the English Civil List are restricted to 95,000*l.*, and certain facts and principles are stated and affirmed in the statute not undeserving notice. For instance, the Act declares that, "by means of secret pensions, dangerous corruptions may hereafter be practised; and that it is not disparaging to any person to be relieved from the royal bounty in their *distress*, or for their *desert*, but, on the contrary, it is honourable on just cause to be thought worthy of such reward."

Neither Mr. Burke's Act, nor the preceding Act of Queen Anne, extended to the Irish or Scotch Civil List, nor to the Leeward Island Duties. In consequence, these funds continued as open to ministerial jobbing and profusion as before. In the case of the Irish Civil List, the King and the Viceregal Government exercised an unrestrained power in the granting of pensions, and which were mostly granted to the friends or dependents of the Lord Lieutenant, personal favourites of the Sovereign, or to Members of Parliament, with some of *the latter of whom it was the practice to carry them into*

the market and expose them to sale. These abuses continued unchecked till the year 1793. Measures of a large and comprehensive nature, which, till that period, had been vehemently opposed, were then introduced and recommended on the authority of Government. Among these was a bill to limit the amount of pensions; to grant a fixed Civil List, as in England, in place of the hereditary revenues of the Crown, and to increase the responsibility of the Treasury. But, whether from accident or design, no restraint was imposed upon the Crown analogous to the restraint contained in the English statute of Anne.

The license of the Crown in respect of the Pension List of Scotland continued longer than in Ireland, and was subject to no other restraint than the amount of the Civil List revenues and the claims upon them. Pensions were accordingly granted for life, or for lives, in possession or reversion, without restriction in amount, or the duration of the grant. This continued till 1810, when an Act was passed, providing that no amount greater than 800*l.* should be granted to any person, except to a member of the royal family, or except on an address of either house of Parliament. At this period the Civil List pensions of Scotland amounted to 39,379*l.*

Over the $4\frac{1}{2}$ per cent. West India Duties the Crown exercised uncontrolled dominion till the year 1830. In that year, William IV. surrendered his interest in them, and the duties were brought under the control of Parliament; but the pensions that had been previously granted continued payable. No new grants had been made subsequent to 1826, when this famous jobbing fund was charged with the part maintenance of the ecclesiastical establishment of the West Indies; so that the *planters* of Barbadoes, and other islands,

have not been relieved in the amount of duties levied on colonial products, but have exchanged lay for spiritual incumbents. The pensions, however, on the West India duties are in progress to ultimate extinction, except one, which is a perpetuity granted to the Earl of Kinnoul by Charles II.; others are for life, or during pleasure.

On the accession of William IV., a new and better arrangement was made with the Crown, both in respect of its hereditary revenues and the pension lists. By 1 Wm. IV., c.25, the Pension Lists of England, Ireland, and Scotland are consolidated, and provision made for their reduction on the expiration of existing interests, from an amount of 145,750*l.* to the sum of 75,000*l.* By the same act the West India duties and the hereditary revenues of Scotland are surrendered, and placed under Parliamentary control.

No further measure was adopted in respect of the Pension List until February 18, 1834, when resolutions were moved by Lord Althorp, then Chancellor of the Exchequer, and agreed to by the House of Commons. After reciting the gradual diminutions which had taken place in the amount of pensions, the House resolved—"That it is the bounden duty of the responsible advisers of the Crown to recommend to his Majesty for grants of pensions on the Civil List such persons only as have just claims on the royal beneficence; or who, by their personal services to the Crown,—by the performance of duties to the public—or by their useful discoveries in science and attainments in literature and the arts, have merited the gracious consideration of their Sovereign, and the gratitude of their country." In this resolution, the original principles contained in Mr. Burke's Act are more distinctly stated, and the objects for

which pensions ought to be granted defined with greater precision.

In consequence of the Civil List arrangements of 1830, a considerable reduction was effected in the subsequent years on the amount of the charge for pensions defrayed by the public. On the accession of Queen Victoria, the arrangement that had been made with her predecessor was renewed, with only one alteration. In place of fixing the aggregate amount of Civil List pensions at 75,000*l.*, her Majesty was empowered to grant, in every year, new pensions on the Civil List to the amount of 1,200*l.*; these pensions to be granted in strict conformity with the resolutions of the House of Commons of the 18th of February, 1834. The general results of these several arrangements are, that the amount of Civil List pensions has been considerably reduced; that the total amount of pensions grantable in one year, namely, 1,200*l.*, has been fixed; that the objects for which this amount of pensions can be granted have been clearly described; and that ministerial responsibility has been secured, by requiring the list of pensions granted to be laid annually before Parliament. It follows that the wide margin heretofore left for royal profusion has been greatly narrowed, and that any great irregularities in the grant of pensions in the present reign can only have originated either with Parliamentary sanction, or by Ministers disregarding the statutory restraints imposed upon them.

These last will form matter of subsequent consideration; at present we shall notice the only remaining incident of importance up to the present time in the history of the Pension List. After the settlements and principles already described had been made and adopted by Parliament, the very vital question remained, and in

which the public felt a deep interest, namely, whether the pensions already granted under the former lavish, corrupt, and irresponsible system, should be binding on the present Government? It was to solve this question that the Committee of the House of Commons of December, 1837, was appointed, to inquire "How far such pensions ought to be continued, having due regard to the just claims of the parties, and to economy in the public expenditure?" The Committee, with perhaps one or two exceptions, consisted of competent and trustworthy members; Lord John Russell, and Messrs. Hume, Strutt, Hawes, Grote, Evans, and Lord Ebrington, being of the number. To facilitate their inquiries, a circular letter was addressed to all persons receiving Civil List pensions, for explanations of the circumstances under which they had received them, and, with a few exceptions, replies were received from each pensioner. It is on these returns that the subjoined list is founded; they do not apply to Parliamentary pensions, but only to such as have been granted by the Crown or its Ministers, and charged on the several royal funds previously explained.

CIVIL LIST PENSIONS;

WITH THE EXPLANATIONS OF THE PENSIONERS.

Airey, Catherine, 100*l*. Granted for the fifty-three years military services of her husband, in the West Indies, first in 1780, and next in the campaigns under Sir Charles Grey and Sir Ralph Abercrombie, and in Ireland under General Fox. He died in 1833.

Airey, Richarda, 300*l*. Wife of Professor Airey, astronomer-royal, in consideration of his scientific attainments and mathematical contributions to physical astronomy.

Adair, George, 88l. A small allowance, but of curious pedigree. It was granted for the life of Mr. Adair, now about 60, for the use of the late Earl of Clermont and Mr. Fortescue, has passed by will, and is now receiveable for the use of the persons to whom it was bequeathed.

Adair, Robert, Diana, and Elizabeth, 445l. It is likely some of these persons are dead, their ages being returned at 73, 78, and 70. When accounts were received of the dangerous illness of the Duke of Gloucester, brother to George III., then in Italy, the king sent the late Mr. Adair, the eminent surgeon, to attend him, and in return for his medical services, these pensions were granted to his children.

Aylmer, Lord, and Aylmer, H. W. F., 356l. Lord Aylmer, who had a parliamentary pension of 600*l.*, has resigned his interest to his brother, Admiral Aylmer, who had been in active service since 1793. It was originally obtained in 1783, on the memorial of Lady Aylmer, setting forth that Lord Aylmer was confined to his bed with a dreadful nervous disorder, induced by poverty, he having only 70*l.* a-year to support himself, his wife, and five children. General Lord Aylmer was Governor of Canada, in 1830. In addition to his Irish annuity, he receives 1,785*l.* for pay and emolument as Colonel, 18th Foot.

Anstruther, Jean, Charlotte, and Elizabeth, 276l. Daughters of the late General Anstruther, an excellent officer, who died from fatigue at Corunna, in January 1809. The mother of these parties relinquished her claim to a larger pension of 600*l.* a year, in consideration of this lesser grant to herself and children.

Allen, Lord, 266l. Royal bounty in consideration of the circumstances of the party.

Arbuthnot, Augusta, 100l. Granted for the faithful services of her father in the household of George III., from 1776 to the king's death.

Arbuthnot, Catherine and Jane, 276l. Royal bounty in consideration of their circumstances.

Annesly, Richarda and Elizabeth, 176l. The father of these ladies was murdered in the Irish Rebellion of 1798.

Ashworth, Robert, Henrietta, Frederick, and Charles, 1,466l. Mr. Robert Ashworth (since dead) had 1,200*l.* of this grant,

the residue being equally divided among his sons. It is Irish, and was originally granted to Sir I. Robinson, K.B., but on what account does not appear.

Arnold, James and William, 162l. Sons of General Arnold, who was severely wounded in the first American war. The General also lost some property by his defection from the cause of American independence.

Baillie, Jean, 39l. The pensioner had six uncles in the army, one of whom was killed in battle. Her brother also entered the service.

Bate, Grace, 50l. Widow of Lieutenant Bate, who died of fever on the coast of Africa, at the age of 35.

Bacon, Sophia, 100l. Widow of a Clerk of the Works at Whitehall, and a son of the eminent sculptor.

Bailey, Elizabeth, 100l. Widow of Mr. Bailey, of the War-office, who introduced improvements in the mode of auditing the public accounts, and left a wife and seven children unprovided for.

Baker, Lady Mary, 445l. Widow of Sir E. Baker, private secretary to Lord Cornwallis, in Ireland.

Baskerville, Ellen, 37l. Widow of a king's messenger, drowned in the performance of his duty.

Bernard, F. T., and Margaret, 600l. Granted on the retirement of Mr. Scrope Bernard from the office of Under-Secretary of State.

Blake, Margaret, John, Honoria, and Henry, 217l. Margaret's portion of 88l. was originally granted to Lady Erroll who resigned it in favour of a poor sister; the rest are small pensions to the children of Colonel Blake, for services in Ireland.

Benning, Eliza, 43l. Orphan of Captain Benning, who fell at Albuera.

Bentinck, Lady Jemima, and Antoinette, 233l. Widow and daughter of General Bentinck, who is said to have suffered losses in raising a regiment for the British service on the Continent.

Biron, De Goutant, Josephine, Charlotte Sabina, 159l. A biographical curiosity. The ladies are the nieces of the late Mareschal Duc de Biron. At the beginning of the American war, Lord Rodney, being at Paris, was unable

to quit the city, in consequence of the debts he had contracted. Under these circumstances, the Duc de Biron came voluntarily forward, and paid Rodney's debts; feeling, as was stated, "a loyal indignation that any individual of the French nation should seem to take advantage of the absence of one of their adversaries' best and most valiant commanders, in consequence of the circumstances in which he was unfortunately placed." Lord Rodney returned to London, and was appointed Commander-in-Chief in the West Indies, and soon after won the victory that has made his name famous. The Parisians were so enraged at the result of Biron's generosity, that he narrowly escaped personal violence. Many years after, his nieces being at Windsor, George III. commanded them to be introduced to him, and personally conferred the pension, in return for the magnanimity of their uncle.

Blackwood, Harriet, 206*l.* For the military services of her father, Colonel Gars. She is the widow of Admiral Blackwood, who served in the navy fifty-two years.

Bowen, Caroline, Cordelia, and Amelia, 88*l.* For the protracted military and civil services of their father.

Boys, Jane Hartley, 100*l.* Widow of Mr. Boys, Deputy-Paymaster of the Forces in the Peninsular war. Age returned by herself in 1838, to the Pension Committee, sixty-four. It cannot, surely, be the lady whose name has recently appeared in the newspapers so frequently, in connexion with the amorous abduction of juveniles?

Ball, Catherine, 100*l.* Widow of a late Chaplain of George IV.

Bowles, Charles and Elizabeth, 192*l.* Husband and wife, with the benefit of survivorship. Mr. Bowles was Private Secretary to Mr. Goulburn, while Chief Secretary for Ireland.

Brooksbank, Elizabeth, Isabella, and Armenia, 300*l.* Wife and daughters of Mr. Brooksbank, Clerk in the Treasury, and fifteen years Private Secretary to the late Earl of Liverpool, at whose instance the pension was granted.

Brown, Frederick and Ellen, 94*l.* For the military services of their father.

Bruce, Clementina and Charlotte, 276*l.* Originally granted to the widow and six daughters of General Dando, who died in the West Indies. All are dead except two.

Bruce, Sir Stewart, 177l. For services in the army and navy, and in the household of the Lord Lieutenant of Ireland.

Baumont, Anne, 40l. Originated in the services rendered by an ancestor, Penewick, who assisted Charles II. in his escape after the battle of Worcester.

Bowyer, Arabella, 300l. Granted by George IV., in consideration of the husband's services as Groom of the Bed-chamber.

Brudenell, Augusta, 202l. Granted in consideration of thirty years' service in the royal household.

Buck, Anthony, 30l. One of Captain Ross's seamen; his sufferings on a voyage to the North Pole brought on total blindness. Hence the pension.

Bathurst, Charlotte, 900l. Widow of the Right Hon. Charles Bathurst, Secretary-at-War, and upon whom and her four daughters the pension was settled, in acknowledgment of the services of her husband. The pensions, or some part of them, were surrendered by Mr. Bathurst, on the death of his father, and succession to the property which he possessed. Mrs. Bathurst was sister of the late Viscount Sidmouth, who gave up his pension of 3,000l. a few years before his death.

Beaufort, Louisa, 81l. Daughter of the late Dr. Beaufort, author of valuable statistical works on Ireland. Miss Beaufort is the author of an essay on the Irish Round Towers, which received the gold medal of the Royal Irish Academy.

Bisset, Mary, 100l. Widow of the late Dr. Bisset, author of the Life of Burke, &c.

Blair, Ann, 49l. Her late father was the inventor of a machine for weaving sail-cloth, on which the Navy Board reported favourably.

Brewster, Sir David, 297l. The well-known author of several mathematical and optical treatises; the inventor of the polyzonal lens for lighthouses.

Brown, Ann, 97l. Widow of the late Principal Brown, of Aberdeen University; and author of Essays on the Folly of Scepticism, and of the Natural Equality of Man. A sister of the Principal has a pension of 75l.

Burke, Edmund, Representatives of, 1,340l. This pension

was long payable to the widow of the celebrated Edmund Burke. It was charged on the 4½ per cent. Duties for the life of the late Earl Spencer. His Lordship dying in 1845, it has at last fallen in. It was first granted October 24, 1795.

Battley, Arabella, 43l. Widow of a gentleman engaged in trade, who had contributed largely to the public revenue; reduced by misfortune in business, and leaving a wife and large family, the pension was granted. It is the only one we remember of the kind.

Buchanan, Lady, 138l. Daughter of the late Lord Caithness, and granted as royal bounty on the recommendation of Mr. Canning.

Buchanan, Susan, 184l. Granted in consideration of the forfeiture of the family estates, subsequent to the Rebellion of 1745.

Black, Jean and Mary, 98l. Daughters of a late Lord Provost of Glasgow; had been an active officer of volunteers, and useful in the erection of a gaol and public courts, but had failed in trade.

Blaquiere, Lord De, for the life of Lady Kirkwall, 893l. An Irish pension granted to the late Lord, who, with a handsome person and good address, succeeded well in the Vice-regal Court. It has been the subject of frequent assignments, and now vests in a Mrs. Roe of Dublin.

Brown, Sarah and James, 86l. To compensate the loss of a brother and aunt, who fell victims to typhus fever, caught in visiting the Irish poor.

Brown, Sir Thomas, 400l. Employed in diplomatic services; but the pension was granted to compensate losses and sufferings in a special mission, the nature of which is not explained. Probably to collect the disgusting evidence against Queen Caroline.

Burnett, Christian, Helen, and Lamont, 117l. Daughters of a late diplomatic servant.

Blair, Isabella Cornelia, Cornelia, Isabella, William, 786l. Widow and children of Lord President Blair, whose public services and private worth received high testimonials.

Birch, Sarah, 80l. Widow of an old police-officer, who was shot in endeavouring to apprehend a criminal.

Burgh, Ann, Elizabeth Catherine, 665l. Daughters of the

late Chief Baron Burgh, and granted on an address moved by Mr. Grattan in the Irish Parliament.

Burnett, Deborah, 184*l.* Widow of a Scotch judicial officer.

Cameron, Eliza, 100*l.* Widow of Colonel Cameron, who was wounded in the service, and present at almost every remarkable engagement fought by the British troops during twenty-five years, except Waterloo.

Campbell, Eliza, 389*l.* Widow of Captain Campbell, R.N., who entered, and rose to the rank of admiral, in the Portuguese service. He is said to have given valuable information to Sir John Jervis before the battle of St. Vincent.

Campbell, Amelia, 184*l.* Had three brothers in the Army and Navy; all are dead, one fell in battle.

Campbell, Mary, 184*l.* Survivor of four sisters of Colonel J. Campbell, killed in action at Martinique.

Campbell, Patrick, 70*l.* Lieutenant Campbell was severely wounded by the discharge of a gun whilst on duty in Jamaica. He is the son of Colonel Campbell of the Artillery, who lost three sons in the service.

Campbell, Mary, 184*l.* Daughter of Sir Ilay Campbell, President of the Court of Session for nineteen years.

Carey, Charlotte, 52*l.* Daughter of a Captain of Marines, who lost an eye in the service, and served at the battle of Bunker's Hill.

Carey, Matilda and Amelia, 162*l.* Widow and daughter of the Hon. General Carey, who died of the wounds he received in the capture of St. Lucia, in 1780. Mrs. Carey, who, like many others, is living abroad for economy's sake, and to escape the pressure of English taxes, addressed a spirited and touching appeal to the Pension Committee. But it is not pensions like these that the public begrudges, or ever wished to disturb.

Carmarthen, Marchioness of, 300*l.*, with succession to Lady Wellesley. This pension was granted in consequence of the military services of the late Sir Felton Harvey, who lost an arm on the passage of the Douro, in 1809, and was Assistant-Quarter-Master-General at the battle of Waterloo. The Marchioness was one of the Miss Catons of Maryland, and married the eldest son of the Duke of Leeds; a sister married the late Marquis Wellesley. The pension was resigned,

reversionary interest of Lady Wellesley limited to agency of her surviving her husband, which has l, and of course the pension has again become

The poor might learn a lesson from the details of ion List, by remarking with what anxiety the higher k to provide against the evils of poverty, both indi- and among their kindred—if not by their industry, other source. It is one of the fruits, perhaps, of education.

Countess of, 266*l*. Widow of the late General the 'avan, who had served at home and abroad, espe- Egypt. Pension granted both on the score of mili- ices and poverty.

rt, Baroness, 389*l*. Governess of the Royal Princesses orge III.

z, Lady, 410*l*. Widow of General Lord Clarina, who e yellow fever in the West Indies.

m, *Elizabeth*, 40*l*. Daughter of a clergyman, who ex- self meritoriously in the fever hospitals of Walcheren.

Mary, 81*l*. Daughter of Admiral Kelly, who served 's, and died of a wound.

rn, *Hugh, Rachel, Janet*, and *Jane*, 196*l*. Children of nan, whose influence over the foreign forces in Cey- tated the conquest of the island, and its annexation itish Crown.

erlain, *Lucy, Dorothy*, and *Sophia*, 198*l*. Daughters Judge of the Court of King's Bench.

Dowager Countess of, 780*l*. Relict of Lord Chan- are, of Ireland, who died suddenly.

ft, *Jane* and *Arabella*, 200*l*. Daughters of Mr. Calcraft, years an active M.P., and who died unexpectedly.

urn, *Margaret*, 46*l*. Granted for the long services of r, as Sheriff of Edinburghshire.

urn, *Mary*, 139*l*. Royal bounty, in consideration of of West India property.

urn, Dame *Mary*, 680*l*, *Augusta*, 200*l*. Wife and : of Admiral Sir George Cockburn, in consideration e services the pensions were granted. His name is ly mentioned twenty-five times in the Gazette, be- 96 and 1815.

Cochrane, Maria, 38*l*. Widow of Admiral Sir A. J. Cochrane, who received the thanks of Parliament.

Congreve, Isabella, 311*l*. Granted for the services of her late husband, Sir William Congreve, for military inventions.

Cooper, Helen, 44*l*. Granted to herself and two sisters on account of the premature death of a brother, a meritorious officer of the Artillery.

Cunningham, Jane and Lavinia, 97*l*. Daughters of a general officer, and for military services.

Currie, Jane, 39*l*. Sister of four officers who died in service.

Cuthbertson, Olivia, Juliana, and Catherine, 126*l*. For the services of the father in reclaiming a mutinous corps of militia.

Cartwright, Sarah, Ann, and Helena, 63*l*. Nieces of the late Mr. Vickers of the National Debt Office, who died at his post at the age of 85.

Chalmers, Catherine, 97*l*. Daughter of an old accountant of the Excise in Scotland,

Copinger, Catherine, 82*l*. Granted by the late Lord Liverpool for the services of the husband, in detecting revenue frauds.

Cook, Mary, 200*l*. Sister of the late Edward Cook, long in the public offices, and employed on special missions on the Continent.

Cornelle, Sophia, 132*l*. Widow of a gentleman employed by the Commission of Education in Ireland.

Corneille, Elizabeth, Susanna, and Louisa, 88*l*. Widow and daughters of Captain Corneille, who was chairman of the Irish Board of Inland Navigation, and died prematurely, leaving thirteen children.

Cort, Caroline, Catherine (now Liddon), 19*l* each. Daughters of the inventor of a method for rendering cast iron malleable.

Courtenay, Ann, 300*l*. Wife of the Right Hon. T. P. Courtenay, for whose thirty-one years' civil services the pension was granted; it was taking pay, however, with both hands, Mr. Courtenay having also a pension of 1,000*l*. for his public labours, Lady Courtenay, too, of the Devon family, had a pension of 81*l*., which the Pension Committee properly recommended should be discontinued, the more reasonable, as her Ladyship had another pension of 300*l*. on the Consolidated

Fund. It is such cumulative grants that have publicly discredited the Pension List. The next is of the same type, and pertaining to the same batch of acquisitive politicians of the Georgian era.

Croker, Rosamond, 300l. Wife of the Right Hon. John Wilson Croker, many years secretary of the Admiralty, with a salary of 3,000*l.* a-year. The Committee recommended the pension to be suspended during the life of Mr. Croker, but its abolition would have been more equitable. The ex-Secretary has a pension of 1,500*l.*, and is now peering over past scenes from a comfortable mansion erected on crown property, whence he self-complacently issues his quarterly contribution of hints and warnings, for the guidance of his surviving confederates. So circumstanced, there appeared little need of any reserve in favour of Mrs. Croker, being doubtless well assured in the forethought of her affianced guardian, who has always had his hand on something productive, not the least so perhaps, his confidential relations with the late Marquis of Hertford, of salacious memory.

Crosby, Elizabeth, 222l. Granted on the resignation of a patent place by her husband. An example, perhaps, of creating an artificial vacancy for a successor, already dwelt upon.

Cumming, Ann, 200l. Granted for the thirty years' services of her brother at the India Board.

Curt, Amelia de and Augustus de, 100l. Brother and sister. The father was agent to the Council of Martinique, and pension granted for the surrender of French papers thought to be of importance to the English Government.

Crowe, Eyre Evans, 100l. Author of various literary works.

Cullen, Robena, 97l. Daughter of the late Dr. Cullen, of medical celebrity.

Cumberland, Lady Albinia, Gordon, and Elizabeth, 393l. Daughter-in-law and granddaughters of Mr. Cumberland, the dramatist. The husband and father of the parties was a military officer, who died in an official situation at Tobago.

Cicciaporci, Lucretia, 184l. Royal bounty to the daughter of a Scotch lady who had married in Italy. The family fortune was lost at the Invasion (what invasion is not said—perhaps Buonaparte's); the wife and daughter were at the

time in England, in distressed circumstances, and George III. made this provision for them.

Colville, Catherine, 97l. Granted for the surrender by the father of a patent place in the Customs.

Colville, Ann, 97l. Sister of the lady whose case has been just been described.

Coke, Ann, 81l. The daughter of a clergyman, left destitute by her father.

Coppinger, Jane, 88l. Royal bounty; for what granted not stated.

Cranstoun, Lady, 97l. The destitute widow of the late Lord Cranstoun, who in his youth had served in the navy.

Crawford, Jane, 47l. Daughter of an Irish physician, who had effected improvements in bleaching.

Crocot, Louisa Ann, age 35, 200l. The wife of a mercantile gentleman, who was unfortunate in business, and compelled to relinquish trade. It is a large compassionate allowance, said to have been granted in compliance with the last request of a deceased member of the royal family.

Crofton, Caroline, 142l. A pension had been granted to the mother, and, on her death, was continued in part to the daughter, owing to her circumstances.

Davies, David, 938l. Granted on the accession and at the express command of William IV. Dr. (now Sir David) Davies is said to have relinquished a professional practice by which he realized 2,400*l.*, to devote himself exclusively to attendance on the late King. The pension was also connected with services previously rendered to William IV. while Duke of Clarence.

Dalzell, Henrietta, Helen, Agnes, Elizabeth, 184l. A forfeited estate had been granted to Sir Robert Dalzell; but, upon the reversal of the attainder, the forfeiture was resumed, and the pension granted in compensation.

Dalzell, Mary, 49l. Daughter of a late professor of Greek in the University of Edinburgh.

Dawson, Lady, Anna Maria, 200l. Daughter of the late Lord Portarlington, who died in military service. The pensions granted to each of the two other daughters of his lordship, Lady Caroline Parnell and Lady Louisa Bromley, have been resigned.

De Bailleul, L., 142*l.* Daughter of a late Inspector-General of the Military Colleges.

De Vries, Elizabeth, 80*l.* Daughter of a meritorious Army surgeon.

Douglas, Ann, 300*l.* Wife of Sir Howard Douglas, formerly Inspector-General of Instruction at Woolwich; on the abolition of that office, this pension formed part of his compensation. Sir Howard had served in the Peninsular war and at Walcheren, and was lately Lord Commissioner of the Ionian Islands.

Douglas, Elizabeth, 276*l.* Widow of a judge of the Court of Session and Justiciary in Scotland.

Daly, Richard, representatives of, 88*l.* Mr. Richard Daly had a patent of the Theatre Royal, Dublin. On the loss of that exclusive right, his children received this pension as compensation.

Dundas, Charlotte, 180*l.* If still living (age 87), the widow of Sir David Dundas, Commander-in-Chief of the King's forces; the pension was granted by the Prince Regent, Sir David having refused one for himself.

Drake, Francis, and *Digby*, 200*l.* Children of the late Sir Francis Drake, a diplomatic servant.

Davidson, Joanna, Ann, Elizabeth, and *Mary*, 116*l.* Daughters of a former Sheriff-substitute for the County of Edinburgh.

Dean, Mary and *Louisa*, 300*l.*; ages 21 and 17. Granted in consideration of the long and valuable services of the father, chiefly as Chairman of the Board of Guardians. While holding this office, the English, Irish, and Scotch Boards were consolidated, without an increase of salary; Mr. Dean, it is likely, preferring the pension for his children.

Despond, Eliza, 100*l.* Widow of an active Comptroller of the Customs.

Dundas, William, James, and *John*, 233*l.* Granted to their father, the late Dr. Dundas, for medical services to George III.

D'Este, Colonel Sir *Augustus*, 467*l.* *D'Este*, Miss, 467*l.* Children of the late Duke of Sussex, by his first wife, Lady Augusta Murray, afterwards Countess D'Ameland, with a pension of 1292*l.* till her death, in 1830.

De Goudrian, Maria, 100*l.* To compensate the loss of property that had devolved to the Crown in default of issue.

Dyson, Jeremiah, Representatives of, 893*l.* Mr. Dyson was many years a clerk in the House of Commons, and afterwards a Lord of the Admiralty and Lord of the Treasury.

Dyer, Mary, 97*l.* Widow of a late Treasury clerk.

Dickson, Jane, Caroline, and Louisa, 507*l.*; ages, 59, 50, and 54. Daughters of a late Bishop of Down, who died, leaving his family unprovided for, and whose character and attainments were considered entitled to the royal bounty.

Duncan, Wilhelmina, 39*l.* Widow of a late master of a grammar school, who left six young children in poverty.

Drysdale, Martha, 49*l.*; age 78. Niece and representative of the late Robert Hugh Blair, author of the celebrated Sermons, Essays on Criticism, &c.

Drummond Rev. *Charles*, 97*l.*; Captain *George*, 97*l.*; *Clementina*, 49*l.* Lineal descendants of the Dukes of Melfort and Perth, whose blood was attainted after the Scotch rebellion; at the restoration of the forfeited estates, their property was not restored to them, having been sold. The last pension has been suspended, and is only to take effect in case Mrs. Davis (formerly Clementina) shall survive her husband.

Drummond, Lady Amelia, 97*l.*; age 89. Daughter of the late Duke of Perth, whose case has just been explained.

Darell, Patty, 100*l.* Colonel Foubert, the ancestor of the pensioner, was invited by Charles II. to England, to establish a riding academy, and the hereditary appointment of master of the academy was established. In 1780, the office was abolished, and the pension granted to the mother of the present pensioner.

Dick, Ann, 97*l.*; age 87. Descendant of Sir William Dick, who, in the time of Charles I. and the Commonwealth, is stated to have advanced large sums to the Government. This pension has been renewed on several occasions to his descendants. The pecuniary obligation surely must have been redeemed by this time, and there can be no reasonable pretext for further renewals.

Dunmore, Janet Napier, 97*l.* Daughter of an useful Scotch magistrate and active local improver, who died poor.

Eden, Frances, Emily, and Mary, 606l. Sisters of the Earl of Auckland, and granted for the public services of the first Lord Auckland. The Present Lord Auckland had several pensions, and the smallest, that on the Civil List, ceased or was given up on his appointment in 1830.

Edwards, Louisa, 150l. Widow of Colonel Edwards, who died at the age of 36, but had served much abroad, and been useful in the Colonial Audit Office.

Ernst, Charlotte, 113l. The grandfather of this pensioner came over in the household of George II., and her father was page to George III.

Erck, Jane, 88l. Widow of a gentleman who served in the Chief Secretary's Office in Ireland, and died suddenly, leaving eight children.

Ellison, Catherine, 95l. Widow of a late chaplain to the convicts of Bermuda, and who died prematurely in the performance of his duty.

Elphinstone, Elizabeth and Keith, 276l. Nieces of the late Admiral Lord Keith, who commanded the fleet in the Egyptian campaign of Sir Ralph Abercrombie. Lord Keith declined a pension of 2,000l. a-year for himself, but requested this settlement on his relatives.

Ewart, John, Birt, Elizabeth, and Mary, 279l. Children of a late diplomatic servant, who died suddenly.

Ellison, Florinda and Susan, 42l. Daughters of Dr. Ellison, an active Irish magistrate.

Erskine, Margaret, Hampden, and Agnes, 238l. Widow and children of the late Lord Chancellor Erskine.

Erskine, Erskine, 276l.; age 86, if still living. Widow of the late Mr. Henry Erskine, a distinguished advocate of the Scotch bar, and father of the Earl of Buchan.

Elibank, Lady, 184l. A grant in consideration of the circumstances of the party.

Erroll, Dowager Countess of, 276l.; *Lady Fanny, 97l.* The estates of this family were forfeited after the Rebellion of 1745; when other forfeited estates were restored, these of the Errolls had been sold to the York Building Company, and consequently excluded from this act of grace.

Fabian, Robert, 111l. Late clerk to the private secretary of a Lord Lieutenant of Ireland.

Farmer, Sir George, 185l. Granted for loss of sight and general debility in military service. The case was not provided for by the Army regulations.

Faulkener, Ann, 356l. Widow of the late Sir E. Faulkener, and granted for relief of distress.

Fagel, Family of, 1,102l. After the revolution in Holland, some fifty years since, this pension was granted to Baron Hervey Fagel, with benefit of survivorship to his children and grandchildren.

Faraday, Michael, 300l. The celebrated chemist, for his scientific attainments.

Falkland, Lord, 184l; age 42. This grant, made in consequence of the circumstances of the party, has entered into the family arrangements concluded on marriage. His lordship married a Fitzclarence.

Fetherstone, Catherine, Sarah, Isabella, Maria, and Octavia, 266l. Granted with survivorship; but for what is not stated.

Finucane, Emma, 88l; age 46. Sister to an officer who fell at Salamanca.

Fitter, Jane, 43l. Daughter of an old officer whose health had suffered in military service.

Francillon, Diana and Mary, 63l. Sisters of Major Pierson, who fell in the defence of Jersey.

Fraser, Charlotte and Jane, 389l. For diplomatic and official services of father and grandfather.

Fox, Ann, 354l. Widow of a late judge of the Court of Common Pleas in Ireland.

Fox, Elizabeth, 936l; aged 96. Widow of the late Right Honourable Charles James Fox.

Fisher, Charles, 88l. Son of an Aide-de-camp, and Comptroller in the Duke of Richmond's household when Viceroy in Ireland. A pension was offered to the father, who providently declined it in favour of the son's younger life.

Fitzgibbon, Thomas, 70l. For long service in the Revenue department.

Flint, Anne, 266l. For the Civil services of her husband.

Fraser, William, 97l. For military services.

Fremantle, Georgiana and Albinia, 86l. Daughters of Colonel Fremantle, who purchased a lieutenant-colonelcy for 6,000l. and, dying soon after, it was lost to the family.

Mrs. Danvers, another daughter, had a pension, but it has been suspended during the life of her husband.

Fullarton, Marian, 97*l*. For the military services of her husband.

Fullarton, Margaret, 60*l*. For the military services of her brother.

Fitzclarence, Lady Mary (now *Fox*), 500*l*.; *Lady Elizabeth* now *Erroll*) 500*l*.; *Lady Augusta* (now *Gordon*) 500*l*.; *Lady Amelia* (now *Falkland*) 500*l*. Children of William IV. The pensions were granted by his predecessor.

Fitzclarence, Madona, 43*l*.; age 76. Royal bounty for the relief of distress.

Fuller, Caroline, Louisa, and Isabella. Daughters of a Jamaica planter; pensions granted for the relief of distress.

Fortescue, Jane, 266*l*., age 66. Granted during the life of her husband, with survivorship; but for what is not mentioned.

Goddard, Louisa, 40*l*. For the military services of her father, Captain Goddard, who was wounded at Badajoz.

Goddard, Isabella, 662*l*., age 47. Wife of Archdeacon Goddard, who had served as Private Secretary to Lord Grenville from 1789, was then Consul-General at Naples and Lisbon, and Secretary of Embassy to Lord Landerdale's Mission in 1806. The transfer of the pension was made on marriage in 1812. It is not stated when the archdeacon entered the Church, in which he appears to have been successful, and the Committee recommended the suspension of his wife's pension during his life.

Gordon, Sir Robert, 400*l*. For diplomatic services.

Gordon, Sir George, 138*l*. For the military services of his father; his elder brother was killed at Seringapatam.

Gordon, George, 155*l*. Served many years in the West Indies; commanded at Curaçoa; repulsed a superior force on sailing home; and was employed on a special mission to Naples.

Gordon Harriet, 97*l*. Daughter of a post-captain; left a widow, with three daughters.

Gosset, Elizabeth, Gertrude, and Ralph, 187*l*. Children of Sir William Gosset, who preferred this settlement to a larger pension to himself, to which he considered himself

entitled, having served thirty-eight years in civil and military capacities in Europe, Asia, and Africa.

Grant, Sophia and Frances, 98l. For military services of the father, General Grant, who died in 1781.

Grant, Catherine, Harriet, and Ann, 97l. Daughters of an officer who lost his life whilst commanding in the island of Grenada.

Grattan, Lucia, Caroline, and Frances, 96l. Daughters of Colonel Grattan, who lost his life at the siege of Bangalore.

Grange, James and Mary Godwin, 300l. Mr. Grange served twenty-six years in the Treasury; in early life he was the companion of the Emperor Alexander, and on that account was chosen to accompany the Special Mission to the Emperor at the head quarters of the allied armies at Toplitz: the Emperor recognized him, and stated publicly that he should consider any mark of favour bestowed on Mr. Grange as a personal favour to himself; a pension of 250*l.* was accordingly granted. A subsequent 50*l.* was added, as compensation for some service in the Treasury.

Gibbons, Ann, 47l. Widow of a late Irish constable, killed in serving tithe-notices.

Grey, Elizabeth and Anna, 168l. Daughters of an officer severely wounded in the American war.

Gray, Mary, 184l. For the diplomatic services of her husband.

Gwydickens, Frances, 231l. Her grandfather was a diplomatist, her father a military officer: the pension granted as royal bounty.

Gifford, Lord, 1,202l., age 26. Son of the late Sir Robert Gifford, Attorney-General, on the trial of Queen Caroline. Sir Robert declined a peerage, on account of the inadequacy of his private fortune, but his services were deemed necessary on appeals in the House of Lords, and a promise was made him that his son should be provided for on his death. Baron Alderson says, "If ever any man was killed by labour, Lord Gifford was; I speak it of my own personal knowledge."

Going, Joanna, 176l. Widow of a stipendiary magistrate of Ireland, assassinated in 1821.

Griffith, William, Mary, Henry, Charlotte, George, Charles, Arthur, Anne, and Walker, each 17l. Grandchildren of the

late Hussey Burgh, Chief Baron of the Irish Exchequer, who died suddenly. The pension was conferred at the instance of Mr. Grattan and Yelverton (afterwards Lord Avonmore), in 1783. Their father was an officer in the Rebellion of 1798.

Gregory, William and Lady Ann, 445*l*. Mr. Gregory filled various civil offices during thirty-five years. The last one, as stated, the "important and laborious office of Under-Secretary of State." It would seem, from the interesting *Life and Correspondence of David Hume*, recently published, that an Under-Secretaryship has become more toilsome than in the early part of the reign of George III. When Mr. Hume was Under-Secretary to General Conway, he appears to have had an easy time of it. Writing to his friend Hugh Blair, he says: "My way of life here is very uniform, and by no means disagreeable. I pass all the forenoon in the Secretary's house, from ten to three: when there, receive messengers that bring me all the secrets of the kingdom, and indeed of Europe, Asia, Africa, and America. I am seldom hurried, but have leisure at intervals to take up a book, or write a private letter, or converse with any friend that may call on me; and from dinner to bedtime is all my own. If you add to this, that the person with whom I have the chief, if not the only transactions, is the most reasonable, equal-tempered, and gentleman-like man imaginable, and Lady Aylesbury the same, you will certainly think I have no reason to complain—and am far from complaining." This agreeable course of existence left the historian, as he describes, plenty of time for "dozing, which I call thinking," and for continuing what he terms his "parasitical practices" of dining at all the great tables in town.

Graham, Isabella, Mary, Georgiana, Catherine, and Roberta, 27*l*. The father of these ladies died suddenly, after many misfortunes, leaving eighteen children in narrow circumstances; the sons mostly found an opening in the army and navy, or in India.

Greville, Algernon, 250*l*, age 46. Late Private Secretary to the Duke of Wellington, while Prime Minister, and at whose instance the pension was granted. Mr. Greville is in the army, and holds beside the easy office, or sinecure, of Bath King-at-Arms.

Gore, Arabella, 300*l.* To take effect only on the death of Mrs. Gore's husband, who is still living. It was originally granted in 1805, and therefore has been long in suspense. Her husband was Governor of the Bermudas, and of Upper Canada, both which offices he held without the usual military appointments.

Gwynne, Georgiana, Cockburn, Wellington, Mary, Charlotte, and Juliana, 460*l.* Granted as royal bounty, in consideration of the circumstances of the parties.

Hayman, Ann, 286*l.* age 92. Sub-Governess and afterwards Privy-Purse to the Princess Charlotte of Wales.

Hayter, Elizabeth and Sophia, 101*l.* Niece and daughter of a Bishop of London, preceptor to George III., by whose untimely death they were left unprovided for.

Hobart, Albinia, Edward, Harriet, and Louisa, 400*l.*; ages 50, 44, 42, 35. Children of Mr. Hobart, late Governor of Grenada, who died prematurely of yellow fever. The Committee recommend the discontinuance of the pension of Lady Albinia, and the suspension of that of Lady Cameron.

Hesse Homburgh, H.R.H., the Landgravine of, 1000*l.*

Halifax, Gertrude, Mary, Catherine, Charlotte, Caroline, and Elizabeth, 288*l.* Daughters of Dr. Halifax, late Bishop of Gloucester. From this see he was translated, at the instance of George III., but died ere the receipt of income compensated him for the expenses of his translation. Hence the pensions which the Committee have oddly classed under the head of pensions granted for "useful inventions and attainments."

Haldane, Euphemia, 63*l.* Royal bounty.

Hamilton, Henrietta, 97*l.* Suffering from permanent illness. Royal bounty.

Hamilton, Ann, 140*l.* Widow of Captain Hamilton, of the 6th Foot. Four days only after his marriage he was ordered to join his regiment in Ireland; the Rebellion then breaking out, he received such severe wounds as to cause his death, after lingering a few years in great suffering.

Hamilton, Sir Charles, 140*l.* For the military services of his father in the first American war.

Hamilton, Marian and Amy, 98*l.* For the military and civil services of their father.

Handfield, Catherine, Ann, Eliza, Jane, Mary, Julia, and

Sarah, 61*l*. Daughters of Colonel Handfield, who had distinguished himself in the American war and in the Commissariat in Ireland. The pensions were granted at the instance of Sir R. Peel, as stated by himself in the House of Commons, Feb. 18, 1834.

Hawker, Dorothea, Julia, and Mary, 300*l*. For the forty-four years' military services of Colonel Hawker, who commanded the Artillery at Albuera, where he received a musket-ball that was never extracted.

Hernon, Sarah, Elizabeth, 122*l*. Granted as royal bounty for the relief of distress.

Hume, Grace, 66*l*. Daughter of a gentleman killed in the Irish Rebellion of 1798.

Hume, Hannah, 88*l*. Daughter of the State-Surgeon at the Castle, Dublin.

Hume, Elizabeth, 200*l*. Daughter of Dr. Hume, whose medical attendance on the Duke of Wellington, George IV. seems almost to have enforced, and then granted this pension in lieu of a larger, which Dr. Hume declined for himself.

Halkett, Mary and Ann, 97*l*. For the military services of their father, General Halkett, of the German Legion.

Hay, Lady Mary, 276*l*. Granted in consideration of the circumstances of the party.

Hay, Judith and Elizabeth, 194*l*. The survivors of six sisters, the daughters of Colonel Hay, who fell in the expedition to Holland, under Sir Ralph Abercrombie.

Hill, Sir John, 150*l*. For naval services; the pension is contingent on his ceasing to hold the situation of Captain-Superintendent at Deptford.

Huntingdon, Earl of, 600*l*.; age, 35. Dowager Countess of, 300*l*.; age 58. *Hastings Lucy*, 50*l*.; age 56. *Louisa*, 40*l*.; age 28. *Edward*, 40*l*.; age 25. *Richard*, 40*l*.; age 24. The late Earl was in the navy; but the pension was chiefly granted on account of the circumstances of the parties. With respect to the four last, they are to cease upon the marriage of the females, or upon the employment of the males in the civil or military service of the crown.

Hammond, George, Edmund, Margaret, and William, 600*l*. For the diplomatic services of the father.

Hengil, Elizabeth, 233*l*. Daughter of Mr. Fraser, long employed in the Foreign Office.

Hamilton, Robert, Jane, Mary, and Isabella. For the forty years' civil services of their father, Mr. Sackville Hamilton. Mr. Henry Hamilton, junior, was also in the Customs, and received a pension, or compensation, of 300*l*.

Hamilton, Catherine, 49*l*. Widow of Andrew Hamilton, in the Excise of Scotland, and author of an "Inquiry into the Principles of Taxation."

Hamilton, Arabella, 177*l*. Granted for the services of the father in checking smuggling.

Hamilton, John, 445*l*. Children of a former Secretary-at-War in Ireland.

Holroyd, Sarah and Louisa, 200*l*. Widow and daughter of the late Mr. Justice Holroyd, who died leaving fourteen children.

Honeymon, Margaret, Catherine, Margaret, and Jemima, 249*l*. Widow and daughters of a late Lord of Session and Justiciary in Scotland.

Huskisson, Eliza, 615*l*. Widow of the late Mr. Huskisson. The pension was granted many years before the untimely death of Mr. Huskisson.

Harrison, Amy, 400*l*. Widow of a late William Hill, who, after long service, died exhausted by fatigue in the Treasury.

Hart, John, 114*l*. For services in Ireland, in the Lord-Lieutenant's household.

Hasler, Sarah, 132*l*. For the like services of her father.

Herries, Isabella, 230*l*. The remains of a larger pension granted to the children of Colonel Herries, late Commander of the Light Horse Volunteers of London and Westminster.

Holmes, I. Knox, 500*l*.; age 30. The pension was recommended by the Duke of Wellington, just before he resigned the Premiership, and was carried into effect by the Whig Government. Ostensibly, it was for the services of his father, Mr. William Holmes, who had been Treasurer of the Ordnance, and 'Whipper-in' of the House of Commons. It occasioned much talk at the time, but the case was not uncommon; the father fills a Government place, for which he receives a salary, and then retires, or is removed, and in lieu obtains a provision for life for himself, or a younger wife, a son, or daughter, or entire family of children.

Hyde, George, 41*l*. Granted July 31, 1689, for services in

the conveyance of despatches. It is cherished by the present recipient as a honourable family distinction, or rather say, heir-loom.

Ivory, James, 300*l.*; age 79. The celebrated mathematician.

Jackson, Louisa and Charles, 200*l.* For the diplomatic services of the father.

Johnson, Maria and Ann, 176*l.* Daughters of the Mr. Justice Johnson, of the Irish Bench.

Jennings, Ann and John, 403*l.* Widow and son of the late Robert Jennings, of the Treasury.

Johnston, Edwin, 177*l.* For Irish services.

Jordan, Thomas, 78*l.* An old servant of the late Princess Charlotte of Wales.

Jarnac, Madame, 177*l.* Widow of a French emigrant.

Jephson, Arabella and Henrietta, 56*l.* Royal bounty to the children of a clergyman who died in poverty.

Jodrell, Augusta, 177*l.* For relief of distress.

Johnson, Sir William, 715*l.* The age of this pensioner is not stated, but the Committee made ineffectual attempts to obtain from him an account of the origin of his grant. The pension determined in 1794, but for some reason was renewed to the present, and his father for life.

Ker, Lady Robert, 276*l.*; age 65. Granted by George IV., for services to the royal family, and out of respect to Sir Robert Ker.

Kirwan, Wilhelmina and Marian, 266*l.*; ages 40 and 43. Daughters of the late Rev. Mr. Kirwan, a popular preacher at Dublin, especially in favour of charity. Grattan delivered a high-flown eulogium on his merits in the Irish House of Commons, which the Pension Committee has had bad taste enough to copy.

King, Maria, 300*l.* For the services of her husband, the late Admiral King.

Knollys, Caroline, Catherine, and Georgiana. Daughters of the late General Knollys, claimant to the earldom of Banbury.

King, Harriet, 431*l.* Widow of a barrister who declined to abandon his profession to be an Under-Secretary of State, unless a provision was made for his wife.

Kuper, Rev. William, 400*l.* Eleven years German tutor to the late Princess Charlotte.

Lloyd, Emma and Charles. A Widow and son. For military services of husband and the father of Mrs. Lloyd.

Lyon, Lucy, 100*l.* Granddaughter of the late Lord Edward Fitzgerald, and orphan of Captain Lyon, the African traveller who died at sea, totally blind, after twenty-five years' service.

Lock, Georgiana and Lucy, 288*l.*; age 40 and 44. For the diplomatic services of the father.

Lefanu, Alicia, 50*l.*; age 42. Niece of the late Richard Brinsley Sheridan, author of the "School for Scandal," and daughter of the late Captain Lefanu.

Langrishe, Hannah, 443*l.*; age 76. Youngest daughter of the late Sir Hercules Langrishe, friend and correspondent of Edmund Burke.

Leeves, Edward, 200*l.* For five years Private Secretary to the late Mr. Huskisson, who recommended this pension. Mr. Leeves had left his profession of solicitor, to serve under Huskisson.

Lushington, Fanny, 350*l.* For the civil services of her father in the War-office.

Leigh, George and Mary, 700*l.* Partly connected with military services, but chiefly with Mr. Leigh, the father, who died, Groom of the Bedchamber to the Prince Regent.

Lander, Harriet and Ann, 120*l.* Widow and daughter of the late enterprising African traveller.

Lloyd, Mary, 200*l.* Widow of a late Bishop of Oxford.

Laffan, Sir John De Courcey, 192*l.* For military services as a physician, and for special attendance on the Marquis of Anglesea, while Lord-Lieutenant of Ireland.

Mackay, Flora, 49*l.* Daughter of Major M'Leod, who distinguished himself as a loyalist in the American war. This lady is the granddaughter of the celebrated Flora Macdonald.

Macquarrie, Ann, 29*l.* Lost four brothers in the army, and one in the navy; her father was in the army, and had twenty-seven children.

Maitland, Jane, 49*l.* One of the ten daughters of an officer of dragoons in the wars of George II. and III.

Maxwell, Grace, 150*l.*; age 64. Widow of the late captain, Sir Murray Maxwell.

M'Farlane, Margaret, 97*l.* Niece of the late Walter M'Farlane, who devoted much time to the history and statistics of Scotland.

Mackenzie, Hope and Helen, 97*l*. Children of the author of the "Man of Feeling."

Maturin, Harriet, 43*l*. Widow of the late Rev. Charles Maturin, author of various dramatic works and works of imagination.

Milnes, Charlotte, 600*l*.; age 76. Widow of Sir Robert Milnes, who served long in the army, and was Lieutenant-Governor of Canada.

Montgomery, Lady, Ann, and Matilda. Widow and daughters. For the military services of Sir H. C. Montgomery.

Morton, William, 250*l*. For improvements in the settlement of accounts in the Treasury.

Muskerry, Lady, 233*l*. For the twenty-eight years' military services of her husband, Lord Muskerry.

Magra, Emily and Harriet, 388*l*. For the diplomatic services of the father.

Mellish, Amelia, Elizabeth, Eleanora, and Wilhelmina, 250*l*. Recommended by Mr. Canning, for the diplomatic services of the father.

Marsden, Eleanor and Maria, 656*l*. For the civil services of the father in Ireland, and partly in lieu of a superannuation allowance.

Minto, Earl of, 924*l*.; age 62. For the public services of the late Earl, and the resignation of a pension of 2,000*l*.

Mountjoy, Representatives of, 177*l*. For the resignation of a patent office.

Montgomery Alfred, 300*l*.; age 31. Resigned a clerkship in the Admiralty, to become Private Secretary to the late Marquis of Wellesley. Hence this extravagant provision for life for this young man.

Mulgrave, Countess Dowager of, 800*l*. Widow of the late Earl, who had filled offices, and for which he had doubtless received the salaries.

Murray, Deborah, 200*l*.; age 49. For the colonial services of her husband, Colonel Murray.

Murray, Lady Virginia, 184*l*. Daughter of the Earl of Dunmore, governor of the Bahamas. Pension said to have been granted for the surrender of some lands by the Earl.

Murray, Lady Louisa, 509*l*.; age 67*l*. Widow of the late Sir

George Murray, a meritorious officer. But the pension was granted in consideration of the personal regard of George III. and Queen Charlotte for Lady Murray.

Murray, Ann and Emily, 410*l*. Widow and daughter of the late Lord George Murray, and pension granted for his services in improving the telegraph.

Mitford, Mary Russell, 100*l*. Author of various dramatic, poetical, and other works.

Montgomery, James, 150*l*. Author of the "World before the Flood," the "West Indies," and other poetical productions.

Moore, Thomas, 430*l*. Author of "Lalla Rookh," "Irish Melodies," &c.

Mudge, Thomas, 100*l*. Son of the inventor of certain time-pieces.

Molesworth, Mary 176*l*. For civil services.

Molesworth, Viscount, 354*l*. Royal bounty, in consideration of narrow circumstances.

Mountfort, Lord, 622*l*. The same.

Mountnorris, Viscount, 308*l*. Royal bounty for the relief of distress.

Munster, Countess of, 500*l*. Daughter of William IV.

Mansfield, Dowager Countess of, 1,000*l*. Granted as compensation for the resignation of the rangership of Richmond Park.

M'Kenna, Theobald 266*l*. Granted for services of father, in conducting Government prosecutions in Ireland.

Napier, Catherine and Maria, 97*l*. Daughters of the late General Napier. They are near relatives of the distinguished officers of the name of Napier.

Napier, Lady, 484*l*.; age 49. Widow of the late Lord Napier, whose melancholy death in China, where he was Chief Commissioner, must be in the recollection of many.

Napier, Louisa, 251*l*. One of the nine children of the late Colonel George Napier, Comptroller of Army Accounts in Ireland, where he detected many errors, and saved large sums to the public. Colonel Napier had also served in the laboratory at Woolwich, where he prosecuted some useful experiments.

Newenham, Thomas and Robert, 422*l*. The history of this case is peculiar: it is stated that the trustees of the marriage

settlement of their father, the late Sir E. Newenham, had purchased the collectorship of Dublin, to raise a fund for the benefit of his children; the father was dismissed from the office so acquired for voting in the Irish Parliament against the American war. He petitioned the Government for compensation, and obtained this pension for his sons.

Nicolay, Maria, 250*l.* Widow of a Chief Clerk at the Treasury, who died at the age of fifty, leaving a family of nine children.

Nicolay, Augusta, 100*l.* Her father was surgeon to Frederick, Prince of Wales, and after his death, to his mother, the Princess Dowager of Wales.

Nash, Mary, 100*l.* Widow of the late architect, who directed the improvements in Regent-street, the Regent's-park, and Waterloo-place.

Noad, Maria, 500*l.* Sister to the late Mr. Canning, who, on retiring from office, relinquished his claim to a pension, in consideration of this pension, and of a similar grant to another sister, since deceased.

Nairn, Lady, 184*l.* The estates of the family were forfeited in consequence of the Scotch Rebellion of 1745.

O'Dwyer, Marcella, and *Jane*, 114*l.*; ages 35 and 36. Daughters of Marson O'Dwyer, who served several years in the navy; was a prisoner of Hyder Ali's, and contracted in captivity an incurable disease; next went to the bar, and was captain of the Irish Lawyers' Corps during the Rebellion, and died an Assistant-barrister.

O'Dwyer, Catherine, 92*l.* Widow of Captain Mickle, who lost a leg at Salamanca, which ultimately occasioned his death, at the age of thirty-eight.

O'Connell, Louisa and *Alicia*, 42*l.* A judicial pension, occasioned by the loss of the father, who was drowned.

O'Driscoll, Dorothea, 100*l.* Widow of a distinguished member of the Irish bar, who had been commissioned to revise the laws of Dominica, but died before the completion of his task.

O'Keefe, Adelaide, 50*l.* The daughter of the popular dramatist.

Ouseley, Sir William, 100*l.* A distinguished oriental scholar.

Outram, Margaret, 97*l.* Daughter of the late Dr. James

Anderson, author of valuable works on agriculture and statistics. Mrs. Outram married the civil engineer, from the contraction of whose name the phrase of tram-roads is derived,

O'Reilly, Myles, 222l. No clear account is given of the origin of this pension. It was first granted on the Irish Civil List, pursuant to a letter of the Prince Regent, dated May 12, 1812, to Myles John O'Reilly, and his assigns, during the life of Helena White, daughter of Thomas Jervas White, of the city of Dublin.

Orr, Martha and Mary, 98l. Granted for the services of their father, who, in 1793, was Town-Clerk of Glasgow.

Ouslow, George and Arthur, 81l. Said to be granted for the services of Colonel Ouslow, as a magistrate of Surrey, and for his resignation of some office in the land-revenue.

Pack, Arthur, Denis, Elizabeth, and Catherine, 400l.; ages 26, 25, 24, 22. Children of the late General Pack, who on five different occasions received the public thanks of the House of Commons.

Pack, Anne, 43l. Sister of the last-mentioned General Pack.

Palmer, Lady Madelino, 184l. Widow of General Sir George Sinclair, late Lieutenant-Governor of Fort St. George; a sister of the late Duke of Gordon, and now wife of Charles Palmer, Esq.

Pickard, Eliza and Jane, 60l. Daughters of an officer who lost a limb in the service, and died in consequence.

Plummer, May and M'Murdo, 97l. Widow and niece of General M'Murdo, who received a wound in the American war, of which he never recovered. The General had four sons, all of whom died in the service.

Popham, Moffat, 365l. Widow of Sir Home Popham, an enterprising naval officer.

Pont, Maria, 155l. Daughter of a Dutch emigrant.

Pritchard, Anastasia, 50l. Granted to compensate losses in the Dutch campaign of the late Duke of York.

Poussett, the late Mr. Richard, four children of, under twelve years of age, 100l. The father was originally in the Commissariat, and then became Vice-Consul at Buenos Ayres.

Preston, Frances, 88*l.* For the judicial services of the father, the late Mr. William Preston, a Commissioner of Appeals.

Parks, W., 321*l.* Pension held by assignment, and originally granted to compensate loss from the abolition of certain tenures in Phoenix Park, Dublin.

Peace, Elizabeth, 150*l.* Widow of Mr. Charles Peace, and to compensate his civil services.

Pennell, Rosamond, 100*l.*; age 34. Granted at the personal desire of George IV., as a proof of his gracious favour, and connected with the public services of the Right Hon. John Wilson Croker, by whom this lady had been educated from a child.

Proctor, Ann and Jane, 38*l.* For the civil services of the father in Ireland.

Pelham, Catherine, 233*l.* One of the bedchamber women of the late Queen Caroline.

Page, Mary, Emma, Anna, and Elizabeth, 240*l.* Orphans of a late Master of Westminster School.

Paley, Family of, 200*l.* Daughter-in-law and grandchildren of the late Archdeacon Paley, author "Moral and Political Philosophy," "Horæ Paulinæ," &c.

Pond, Ann, 200*l.*; age 54. Widow of the late Astronomer Royal.

Pye, Martha, 60*l.* Widow of the late Poet-Laureate.

Parsons, Mary, 177*l.* Royal bounty in relief of distress.

Phillott, Lady Frances, 88*l.* Royal bounty to relieve a clergyman's widow.

Radstock, Lady, 389*l.* Widow of Admiral Lord Radstock.

Rodney, Hon. Ann and Sarah, 240*l.* Daughters of Admiral Lord Rodney, famous for his victory over Count de Grasse, in 1792, and for which he received the thanks of both Houses of Parliament, and was raised to the peerage. A son of the Admiral also received a pension of 88*l.*

Rooke, Mary and Jane, 120*l.* For the military services of the father.

Ruthven, Wilhelmina, 230*l.* Daughter of an old officer, wounded in the American war, and of which he never recovered.

Ross, Charlotte, 194*l.*; age 44. Widow of a late messen-

ger in the Foreign Office, highly prized by the late Mr. Canning.

Rumbold, Emily (now Madame Delmor), and *Caroline* (now Madame de St. Clair), 230*l.* Daughters of the late Sir George Rumbold, who was the English Minister to the Hanseatic Towns, and who was seized with his papers in a neutral state by the order of Buonaparte and closely confined, *au secret*, in the Temple. The alarm and hardship Sir George underwent, in consequence of the violence of the consular government, hastened his death.

Rae, Mary 660*l.* Wife of Sir William Rae, late Lord Advocate of Scotland. Pension recommended by Lord Wellington, on the score of official services and the loss of fees.

Rooke, Dame S., 233*l.* For the judicial services of her husband, the late Sir Giles Rooke.

Ready, Susan and *Mary*, 177*l.* For the services of the father as private Secretary to the Duke of Richmond and Lord Whitworth, Viceroy of Ireland. *Charles Ready*, a brother of the ladies, received 177*l.*

Renny, Mary, Agnes, and Frances, 264*l.* Daughters of Surgeon Renny, whose services to various medical boards and charitable institutions recommended him to this consideration.

Rich, Sir George, 132*l.* ; age 59. For a personal accident incurred while on public duties.

Roberts, Bruce, Charlotte, and Rev. *Anthony*, 39*l.* Compensation for the resignation by the late Mr. Gayer of the office of Clerk of Parliament.

Ros de, Lady Georgiana, and Lady *Mary Fitzroy*. The daughters of the late Duke of Richmond, and granted for military services. The pensions to his other daughters, Lady Jane Peel and Lady Louisa Tighe were resigned upon their respective marriages. The pension of Lady Sophia Lennox has also been resigned on her ladyship's behalf by the Duke of Richmond, and the amount replaced from his own resources.

Robinson, Rachel, 184*l.* ; age 80. Widow of the late Professor Robinson of the Edinburgh University.

Russell, Eleanora, with a sister, 64*l.* Granddaughters of

Robertson, the historian, and of course some relation to Lord Brougham and Vaux.

Richardson, Fanny, Elizabeth, and Sarah, 101l. Daughters of one of the late proprietors of Drury-lane Theatre, who suffered by its conflagration. Upon his death, his children were recommended by Mr. Canning as proper objects of royal bounty.

Roscommon, Earl of, 192l. His lordship states that he has claims upon Government, in consequence of the non-fulfilment to his ancestors of grants made in the time of Queen Elizabeth.

Roscommon, Countess of, and Lady Maria. Widow and daughter of the late Lord Roscommon, who claims on the same ground as his lordship just mentioned.

Rollo, Isabella and Mary, 184l. Granted as royal bounty. Both father and brother had been in the Army.

Rothes, Countess Dowager of, 431l. Royal bounty, in consequence of the circumstances of the parties. On the same consideration the Earl of Rothes receives 276l.

Ram, Elizabeth, 95l.; age 90. Widow of Abel Ram, who distinguished himself against the Irish rebels in 1798, and lost a son at Trafalgar.

Selwyn, Charlotte, Albinia and Mary, 243l. The father served in the American war, and received a pension of 400l., which he resigned for this smaller pension to his daughters.

Seymour, Sophia, 81l. Her brother, General Seymour, was Governor of St. Lucia, and perished in a hurricane.

Shaw, Catherine and Mary, 95l. For the military services of their brother, Colonel Meyrick Shawe.

Smith, Lady Ann Culling, 600l.; age 76. Sister of the Duke of Wellington, and granted in his absence, and without his knowledge, for the victory of Vittoria.

Smith, Carterette, 155l. For the military services of her husband, Colonel Sir George Smith.

Smith, Isabella and Mary, 80l. Daughters of a meritorious Colonel of Marines, who died from fatigue in the service.

Smith, Barbara and Harriet, 52l. Daughters of a military surgeon, who died from being frozen to the ground in Holland.

Smith, William, 100l. Author of various works on Geology.

Smollet, Susan, 97*l.* Sister of four officers, and for their military services.

Spearman, A. A., Young, and Margaret 120*l.* Daughters of a late major, who lost two sons in the Navy.

Stoddart, Jane, 65*l.* Eldest of the five children of Major Stoddart, who was killed by a fall from his horse.

Straton, Lady Emily, 177*l.* For the military and civil services of Major Straton, who left a large family.

Stuart, Sir S. H., 200*l.* ; age 53. Was present at the chief battles in the Peninsula. The Pension Committee recommended that the pension should be re-granted for the life of his mother.

Sutherland, Louisa, 97*l.* Daughter of James Sutherland, for thirty years Judge of the Admiralty Court of Minorca.

Swinton, Mary, Harriet, and Ann, 276*l.* Daughters of the late Lord Swinton, for nineteen years a Lord of Session and Justiciary in Scotland.

Sheridan, Charles, Frances, and Caroline, 171*l.* Grandchildren of Richard Brinsley Sheridan, and children of his son, Mr. Thomas Sheridan, who was appointed to an office at the Cape of Good Hope, where he soon died. That to Lady Seymour has from her marriage been resigned, and those to Mr. R. C. Sheridan, and Mrs. Blackwood, are not recommended to be renewed by the Pension Committee.

Shaw, Lieut.-Colonel Merrick, 999*l.* Resigned a patent office in the Stamps to become private secretary to Lord Wellesley in Ireland, and for which the pension was granted, and by which move, probably, a vacant place in the Stamps for a friend was created.

Sargeant, Catherine, 616*l.* ; age 86. For the services of her husband as Clerk of the Ordnance.

Shee, Maria, 334*l.* ; age 79. Widow of the late Sir George Shee, and granted for services in the Ordnance.

Slow, Caroline, 43*l.* ; age 42. Daughter of an old superintendent of the Lord Lieutenant's garden in Ireland.

Sneyd, Ann, 356*l.* For the civil services of the father, who left only a slender provision for eleven children.

Sterling, Edwin, 177*l.* Compensation for the resignation of an office held by the father.

Stewart, Frances, 154*l.* Widow of the late Rev. A. Stewart, chaplain of the Hibernian Military School, Dublin.

Stewart, Charlotte, 200*l.* ; age 19. For the military services of the father in the Peninsula, and for civil services in the Treasury.

Stewart, Urania, 266*l.* For the civil services of the father.

Scott, Ann, 250*l.* ; age 41. Daughter to Dr. Bankhead physician to George IV.

Sherkin, Amelia, 102*l.* Served in the household of the Princess Charlotte of Wales.

Shirley, Richard, 67*l.* Had been coachman to the Princess Charlotte.

Stepney, Catherine, 200*l.* Widow of Sir Thomas Stepney, who served the office of Chamberlain to the Duke of York gratuitously from his marriage to his death.

Sterkey, Rev. Alexander, 400*l.* One of the preceptors and chaplains of the Princess Charlotte of Wales.

Somerville, Mary, 300*l.* ; age 65. Author of the "Mechanism of the Heavens," &c. The bust of Mrs. Somerville has been placed by the Royal Society in their hall.

Somerville, Janet, Margaret, and Martha, 97*l.* Daughters of the late Dr. Somerville, and an active member of the General Assembly of Scotland. The pensions were granted for his "Lives of King William and Queen Anne."

South, Sir James, 300*l.* The eminent astronomical observer.

Spray, Mary, 57*l.* Widow of Dr. Spray, a distinguished Irish musician.

Stewart, Maria D'Arcy, 200*l.* ; age 42. Daughter of the late Professor Dugald Stewart, of Edinburgh, the distinguished author.

Samphill, Lady, and Sarah, 197*l.* Royal bounty, owing to the circumstances of the parties.

Sherwood, Susan, Rebecca, and Ann, 45*l.* The carriage of Louis XVIII., in passing through Sittingbourne, in 1814, ran over and killed the father of these parties, and the Prince Regent granted this compassionate allowance.

Sidney, Family of, 500*l.* Children of Lord De L'Isle by Lady Sophia Fitzclarence, the eldest daughter of William IV. Lady Sophia had a pension of 500*l.*, together with her sisters, and on her death the pension was re-granted to her family. The Committee recommended the re-grant to be for the life of Sir J. Sidney, of Penshurst.

Smyth, Hon. G. A. F., 104l. Mr. Smyth was a minor when this pension was granted, and Lord Strangford expressed to the Committee his anticipation that his son would resign his pension after his majority. This expectation has been realized. Lord Strangford has also resigned his own pension on the Civil List, but not his diplomatic pension of 2050*l.* as late Ambassador to Russia; and we believe two of his sisters receive pensions since the death of the Dowager Vicountess.

Stoddart, Jane, Barbara, and Ann, 147l. Daughters of a former Provost of Edinburgh, who had long served in the Excise.

Strathmore, Countess of, 184l. Royal bounty, which the Countess expressed her wish to resign as soon as her circumstances would permit.

Stuart, Lady Louisa, 97l. The absence of the party from England precluded the requisite information.

St. George, Anna, and Jane, 144l.; ages 36 and 35. Daughters of a gentleman who held an office in the household of an Irish Lord Lieutenant.

Sneyd, Catherine, 266l. An Irish pension, afterwards assigned.

Stanhope, Maria and Charles, 95l. Wife and son of Sir Charles Stanhope, who was Commander of the Forces in Ireland.

Taylor, Sarah, Paine, Mary, and Jane, 174l. Daughters of William Taylor, nearly fifty years clerk in the Chief Secretary's Office, Dublin.

Taylor, Marian, 49l. Her late husband made useful discoveries in respect of steam-navigation.

Tidy, Mary; age 50; 100l. Widow of Colonel Tidy, who served fifty years in the Army. He was the officer who negotiated the treaty with the Burmese, and was engaged in quelling the mutiny at Gibraltar. The Colonel died in command of his regiment in Canada, and when the papers for the sale of his commission were actually on their way to England.

Torrens, Sarah; age 57; 624l. This pension was granted at the request of her husband, Sir Henry Torrens, in lieu of a pension to himself, he having but slight reliance on the duration of his life, with a constitution shattered by grievous wounds, and every species of hardship incidental to incessant

unmitigated service in every variety of climate, from his first outset in his profession in the West Indies in 1795 till his death in 1828. Sir Henry must be well known to the Army; he was Military Secretary to the Commander-in-Chief of the Forces for twenty years.

Trant, Sir Nicholas; age 74; 200*l.* For military services from 1795, in Holland, Egypt, and the Peninsula. In 1834 he lost his only son, who had distinguished himself, and received public thanks for his conduct in the Burmese war and in the West Indies.

Turner, Sarah, 42*l.* Daughter of Capt. G. Turner. When on his passage to join his regiment he was drowned, together with his wife.

Turner, Susan and Catherine, 100*l.* Daughters of a late Governor of Sierra Leone, who distinguished himself by an energetic and economical administration of the colony.

Tyrconnel, Earl of; age 53; 445*l.* and 600*l.* One of these pensions is for life, the other during pleasure. They were granted to the brother of Lord Tyrconnel for his diplomatic and military services; and who died while acting as military *attache* to the Russian army in the campaign of 1812, in consequence of great fatigue and exposure during the winter. The pension of 600*l.* has been appropriated exclusively to the support of Lord Tyrconnel's mother.

Tekell, Lady Griselda; age 60; 440*l.* *Taylor, W. Stanhope, S. H. Taylor, T. J. Taylor, L. R. Taylor, F. A. Taylor, E. A. Taylor, and J. Pitt Taylor*; ages 40, 37, 33, 32, 29, 28, and 27, 700*l.* on the $4\frac{1}{2}$ per cent. duties. *Stanhope, Lady Hester*; age 62, 1,200*l.* on the $4\frac{1}{2}$ per cent. duties. These pensions were granted to the nieces of the late Mr. Pitt; it was the request of Mr. Pitt, at the period of his death, that if the public services he had rendered his country entitled him to make the request, his three nieces, Lady Hester Stanhope, Lady Lucy Taylor, and Lady Griselda Tekell should be provided for; these pensions were in consequence granted. Lady Hester Stanhope was the clever but eccentric character who so long lived in Syria, in the style and costume of an Arab chief, and who died in 1839. Some other of the Minister's relatives may be dead since the Pension Report was made.

Tierney, Anna Maria; age 73; 400*l.* Widow of the late Right Hon. George Tierney; this pension was unsolicited,

and was recommended to the Crown by the Duke of Wellington, then at the head of the Government.

Tighe, Charlotte, 47*l.* For the civil services of her husband, who was entitled to a retired allowance of 800*l.* as Comptroller of the Customs, and which was secured to her by marriage settlement; this settlement somehow got among the lawyers, and the lady was reduced to great distress, to relieve which, this pension was granted for life.

Tomlins, Sir Thomas, 179*l.* For long services as counsel to the Irish Office, and Joint-Counsel to the Treasury.

Treasure, Elizabeth, 100*l.* Widow of a late Secretary to the Board of Taxes, whose death was attributed to overwork.

Thomson, Jane, 150*l.* Widow of Dr. Thomson, a clergyman of the Scottish church, author of "Sermons on Infidelity," and who died suddenly.

Thorpe, Benjamin, 160*l.* Author of various works on Anglo-Saxon literature, and member of the Camden Society.

Telfer, Jane and Cecilia, 97*l.* Royal bounty for the relief of distress, granted fifty years since.

Trefusis, Barbara, 81*l.* For the relief of distress.

Vallancy, Catherine, 132*l.*; age 61. Daughter of General Vallancy, and the pension granted for the services of the father, who, with great care and labour, had procured, in 1790, a correct copy of the Doun Survey, remaining in the library of the French king at Paris.

Vallancey, Isabella, 61*l.* Daughter of an officer who had served from youth to old age, and was present at the death of General Wolfe. There are one or two more Vallanceys, with small pensions.

Vernon, Charles, 66*l.*; age 35. Son of Colonel Vernon, who died on service in North America; but no reason is assigned for the pension.

Usher, Frances, Margaret, and Alicia, 95*l.* Children of the late Dr. Usher, astronomer royal in Dublin.

Van de Speigal, Adolph, Maria, and Sarah, 204*l.* Children of the late Mr. Van de Speigal, Minister of State in Holland at the time of the French Invasion. He had co-operated with the English, and in consideration of his age, and an imprisonment of five years he suffered, the pension was granted, on his death, to his family.

Vernon, Harriet, 88*l.*; age 84. This pension was granted so long back as 1763, and the Committee were unable to trace its origin, but declined to recommend its discontinuance. It has certainly a better possessory title than many estates. It is, however, a rare specimen of the kind, especially to votaries of the antique; and either Miss Vernon or others must have possessed singular attractions, to have fixed, at so remote an era, the royal bounty. In not disturbing this primeval settlement, the Committee evinced both just feeling and a discerning spirit. Old Parr was killed by a change of diet, and this fair spinster, having lived so long on the public viands, any alteration of regimen might have been not less fatal.

Wade, Mary, 100*l.*; age 60. Widow of Colonel Wade, who had served twenty-four years in the 95th, or Rifle Brigade; in the West Indies in 1795; at Copenhagen in 1807; and in the Peninsular campaigns.

Whittingham, Maria, 400*l.*; age 48. For the diplomatic services of her husband, Sir Stamford Whittingham, and for some unliquidated expenses he had incurred on a special mission in the time of Mr. Pitt.

Wright, James, Alfred, John, and Caroline, 100*l.* Children of Captain Wright, an active naval officer, and grandchildren of Captain Wright, who distinguished himself at the siege of Acre, under the command of the late Sir Sydney Smith. He was subsequently employed in several secret political missions, unconnected with his profession; but at length fell into the hands of the French, and was closely imprisoned by them. He died suddenly in the Temple, and many absurd tales have gone abroad about the cause of his death. The English said the French had poisoned him, and the French reported that he died by his own hands, from vexation at the defeats of the Austrians in 1805. Both accounts are alike improbable. His son was also a prisoner of war, but made his escape.

Winthrop, Elizabeth, Jane, Caroline, Ann, Hay, Maria, and George; ages 30, 27, 25, 22, 19, and 16; 240*l.* Children of the late Admiral Winthrop, who served from 1782 to the general peace and final cessation of hostilities; there being no widow to whom the usual naval pension could be granted,

the above pension was settled on them by King William, who had been a personal friend of the Admiral.

Wilson, Caroline; age 52; 276*l*. Granddaughter of Charles Townsend the Minister; the pensioner is in hopeless bad health.

Walsingham, Lord; age 66; 936*l*. Granted to the late Lord Walsingham, who was Postmaster-General from 1787 to 1794, at a salary of 2,500*l* a-year. The Committee saw no adequate grounds for recommending a renewal of this pension, and the public, we suspect, is in a like predicament.

Watson, Sir Frederick; age 65; 936*l*. Sir Frederick filled the office of a Commissioner of the Board of Customs. He resigned this situation at the request of George IV., for the purpose of entering into the royal establishment as Master of the Household; receiving his pension as a compensation for the permanent office he had resigned. Having since resigned his office of Master of the Household, this pension is in fact less in amount than the retiring allowance to which he would have been entitled by statute.

Wilcox, Elizabeth, 100*l*. For the civil services of her husband.

Willmott, Mary, 100*l*. Sister of a Private Secretary of the late Lord Liverpool.

Wynne, Robert; age 77; 443*l*. For long civil services in the Revenue department, and the Viceroy's household, Dublin.

Wynyard, Lady Matilda; age 64; 467*l*. Compensation for the abolition of a patent office in the Customs, which had been granted to Lady Wynyard and her brother. The latter did not apply for, or receive compensation.

Westmeath, Marchioness of, 386*l*. Granted at the express desire of King William, Lady Westmeath having served as Lady of the Bedchamber to the Queen Dowager.

Whitelaw, Eleanor, 177*l*. Widow of a clergyman of Dublin, eminent for his statistical and topographical inquiries. The statistical census of Dr. Whitelaw is preserved as a public document in the Irish Record Office.

Wilde John, 138*l*. Professor of Civil Law in the University of Edinburgh.

Wren, Maria; age 77; 61*l*. Daughter of the grandson of

Sir Christopher Wren: her father was in the Army forty years, and present in the battles of Dettingen and Fontenoy.

Willoughby, Harriet; age 56; 276*l*. Royal bounty, granted on the special recommendation of the late Mr. Fox.

Williams, Mary, 40*l*. When the French landed in Pembrokeshire, they plundered this poor Welsh woman's house, and shot her in her left leg.

Wiseman, Harriet, 100*l*. Niece of the late Colonel Wiseman, and a connexion of the late Admiral Nagle. The pension was granted on the recommendation of the Duke of York.

Wraxall, Jane; age 67; 311*l*. Widow of the late Sir Nathaniel Wraxall. It is said that the activity of Sir William in sending out to India, an account of the cessation of hostilities in 1783, which account was received several weeks before the official despatches arrived, prevented the effusion of blood, and was one of the considerations for the grant of this pension.

Yeo, Mary and Jane, 100*l*. Sisters of the late Commodore Sir James Yeo, who died on service.

Young, Ann, 445*l*. Granted for her life, with a reversion after death to her three daughters. What for, is not stated but the Committee have placed the pension under the head of "inventions and attainments in the arts."

PENSIONS RESIGNED.

Aston, Lord, 97*l*.

Auckland, Lord, 386*l*; ceased on Lord Auckland's appointment in 1830.

Berens, Lady Catherine, 81*l*.

Bouverie, Lady Frances, 81*l*.

Bradshaw, Augustus, 92*l*.

Bromley, Lady Louisa, 200*l*.

Caermarthen, Marchioness of, 300*l*.

Cranstoun, Lord, 184*l*.

Dabrymple, Elizabeth, 49*l*.

Drummond, Thomas, 300*l*.; surrendered whilst Under-Secretary in Ireland.

Elphinstone, Lord, 276*l*.; surrendered on appointment to Madras.

Grant, Catherine, Anne, and Harriet, 97l.

Gray, Lady, 97l.

Hunter, Sir Richard, 288l.

Hay, Lady Jane, 97l.

Lushington, Honourable Ann, 624l.

Lenox, Lady Sophia, 150l.

Parnell, Lady Caroline, 200l.

Strangford, Viscount, 88l.

Among those who resigned their pensions may also be honourably recorded the names of the late Lords Sidmouth and Farnborough, Mr. Moore, Mr. Marsden, Mr. Charles Bathurst, the Duchess of Newcastle, Lord Reay, Mrs. Percy Smith, and Lady Seymour.

PENSIONS SUSPENDED.

Batson, Isabella, 103l.; to be suspended during the life of her husband, Mr. Batson.

Croker, Rosamond, 300l.; to be suspended during the life of the Right Hon. J. Wilson Croker.

Drummond, Hon. M. D., 200l.; to be suspended during the life of her husband, Mr. Drummond.

Drummond, Clementina, 49l.; to be suspended during the life of her husband, Mr. Davis.

Freemantle, Albinia, 43l.; to be suspended during the life of her husband, Mr. Butler Danvers.

Hobart, Lady Vere, 100l.; to be suspended during the life of her husband, Mr. Cameron of Lochiel.

Goddard, Isabella, 662l.; to be suspended during the life of her husband, Archdeacon Goddard.

PENSIONS DISALLOWED.

Courtenay, Lady Elizabeth, 81l.

Hay, Lady Mary Turner, 97l.

Hobart, Lady Albinia, 100l.

Johnstone, Edward J., 300l.; a retired allowance to which the party has been entitled, but which was suspended, being in future paid.

Napier, Caroline, now Reid, 97l.

Sheridan, R. Brinsley, 57l.

Sheridan, Harriet S., now *Blackwood*, 57*l.*
Walsingham, Lord, 936*l.*
Home, Earl of, 276*l.*
Ouslow, Arthur, 81*l.*
Sinclair, Lord, 184*l.*
Wilkins, Honourable Eliza, now *Stretton*, 115*l.*
Scott, Sir David, Bart., 449*l.*
Hereford, Viscount, 582*l.*

The preceding List winds up a chapter of British history. Court pensions had been long viewed with suspicion; and the reserve concerning them, either from fastidiousness about disclosures, or a haughty defiance of popular scrutiny, augmented curiosity respecting their origin. People wondered where the long array of names, that had been accumulating during a century, of both sexes, of all ages and conditions, and of divers countries, had sprung from—what their services could have been—and what claim they could have for the gratuitous distribution among them, yearly or quarterly, of so much public money. The mystery has, at length, been unravelled. Both sides, as the saying is, have had their say. The public, kept in the dark, could only form conjectures, which have proved to have been sometimes mistaken, sometimes exaggerated, and sometimes, perhaps, unjust. How could it be otherwise? The fault was not in the people, but in the Ministers, who kept back the information, which those who supplied the funds for this secret expenditure, had a right to. If they found a number of persons living upon them, year after year, and generation after generation, they had a right to know what for. What they had done—what superior deserts they possessed—to entitle them to enjoy so easy a mode of subsistence; and if the public was sometimes wrong in its interpretations about the pretensions of this noble lord, or that titled lady, or

younger brother, the error was excusable. There is, however, now an end of surmises. The pensioners have been called upon to give an account of themselves, and they have done so; and we have faithfully, and with a desire to be just, reported their depositions. We do not think they have any cause to complain of the ordeal to which they have been subjected. In all such retrospective inquisitions, the leaning is to the merciful side. Men are much inclined, and wisely, to let bygones be bygones, and close the book upon them. Hence the investigations of the Pension Committee were neither so searching nor severe as they might have been. The accused, too, had a clever attorney in court,* who nominated the jury, a tolerably fair one we own, and who exercised the discretion of keeping back such explanations as the deponents might desire to be considered *private* or *confidential*. However, upon the whole, we are satisfied, and we dare say the public will be so likewise. Enough has been done for justice's sake, and clemency ought to form an ingredient in every judicial award.

What grounds, then, it may be asked, were there for the popular clamour against pensions, and what has been the result of it all? The result is this—that enough has been adduced to shew that there existed sufficient reasons for all the outcry ever raised against them. The power to give away other people's money, without responsibility, check, or publicity, either to the donors themselves, or to others they liked nearly as well, could not turn out to be other than an abused power; subject to caprice and sinister influences, which must needs pervert it into a fertile source of jobbing,

* The Hon. Thomas Spring Rice, then Chancellor of the Exchequer, and now Baron Monteagle.

favouritism, and political corruption. That such were its tendencies, and that such have been partly its result as careful inspection of the preceding exposition will abundantly establish. It was not expected that all the Civil List Pensions were undeserved—some of them have been more than deserved; many of them, it is evident, have been equitably, usefully, and laudably apportioned: at the same time, in these general distributions, it is easy to discern a wild and partial kind of justice, in which many, through superior interest, address, or connexion, got too much—others, not so favourably circumstanced, got too little—while a far greater number than both, perhaps, and the more deserving, got nothing. But on this point the results of the inquiry itself are conclusive; and the pensions resigned, annulled, or suspended, at once attest, both that investigation was needed, and that the public had a solid and just right to demand it.

II.—PENSIONS UNDER QUEEN VICTORIA.

We have reserved for a separate statement the Civil List Pensions granted during the present reign. They have been granted under a different law and Ministerial responsibility from the preceding. By the Civil List Act, 1 Vic. cap. 2, it is provided that the sum of 1200*l.* shall be yearly set apart for pensions; that this sum shall be appropriated conformably to the resolution of the House of Commons, of February, 1834, (see p. 180,) namely, to such persons only, as have just claims on the royal beneficence; or who, by their personal services to the Crown—by the performance of duties to the public—or by their *useful discoveries in science*, or attainments in literature and the arts, have merited the gracious consideration of their Sovereign, and the *gratitude of their country*: and that an account of such pensions shall be annually laid before Parliament.

It is not easy to comprehend the exact fitness and import of this imposing announcement, in almost the first imperial act after Her Majesty's accession. The objects set forth to be rewarded and encouraged, are certainly deserving of all honour, and justly merit a nation's gratitude; but then the disproportion between the magnitude of these ends, and the sum set apart for their attainment is immense. Surely 1,200*l.* per annum could hardly have been deemed adequate to the purpose by any sane Legislature. The discrepancy between preamble and conclusion reminds one of the fellow in Constantinople, who went about the streets, crying, in a loud voice, "In the name of the Prophet, *figs!*" 1,200*l.* a-year is not so much as many a second or third-rate clerk in a public office receives, or even as is paid to many a clerk in a merchant's counting-house, or at a railway-station. Yet this is all that the rich community of England, and its Imperial Government, have publicly vouchsafed to reward *personal* services to the Crown, the performance of *duties to the public*, and the encouragement of *useful* discoveries in science, and attainments in literature and the arts! It appears supremely ridiculous on the face of it. It can only have been meant for a joke or a farce, and is well enough in keeping with some other acts of the same jocose Administration, who in one year granted 50,000*l.* for *national* education, and 70,000*l.* for the repair of the Queen's stables, and proposed to settle 50,000*l.* a-year for life on the Prince Consort.

It is possible, however, we have mistaken the veritable purport of this sumptuous dole altogether. Perhaps it was only intended to place such a *mediocre* sum at the disposal of the Queen, for gratuities to her cast-off waiting-women, hair-dresser, or her music, dancing, or

singing-master, to which it will be seen, in the sequel, a large amount of it has been devoted, and not to the reward of useful discoveries or scientific attainments. If the latter be intended, the Minister may be well assured, that, whether the beggarly allowance be meant as a recompense or stimulus, either to loyalty or intellectual exertion, it is wholly inadequate to the purpose. Many a second-rate civil engineer, newspaper editor, or periodical writer, would not forego his present gains for the whole of it. What some men of science and letters think of the largesses bestowed upon them, may be collected from the appropriation of them. Professor Airey, we have seen, has had his pension settled on his wife; as a kind of pin-money, we suppose. What Faraday and South, Wordsworth and Moore, Brewster and M'Culloch, may have done with theirs we have no knowledge; but they could hardly think of applying such wretched pittances to any useful purpose.

However, if the object seriously be to encourage science, literature, and the rest, let us compare the effort made by this opulent and flourishing State, with that of others in the same direction. Take for example our nearest neighbours; what does France for the promotion of science? Every year the French Parliament allows between 15,000*l.* and 20,000*l.* per annum to the Minister of Public Instruction, for the encouragement of literary men, especially of such as may be in need of assistance. The British Parliament, for the encouragement of literary men, gives—nothing, or next to nothing. The French Parliament gives every year between 120,000*l.* and 150,000*l.* for the purchase of pictures, and encouragement to artists, actors, actresses, &c. The British Parliament, as an encouragement to artists and actors, gives—nothing. Honour, then, to

the British Parliament! In France there is a host of places, of librarians, directors of museums, and such like, for the acceptance of meritorious authors and men of science. In England meritorious authors are allowed to starve, for anything the Government cares: and learned men of science bless their stars if they can get a place of hard work for thirty shillings a-week.

Even Belgium, which is only a fragment of a state, not equal in capabilities to two English counties—Middlesex and Yorkshire—far outdoes this overgrown aristocratic empire. There 10,000*l.* is annually granted for the encouragement of science, literature, and the arts. In addition, when M. Van de Weyer was Minister, two years since, a sum to establish a national library, and compensate authors of works of national utility, always formed an item in the annual budget. America adopts a similar policy; her men of letters are honoured and rewarded: and her Everetts, Irvings, and Barlows either fill at home high stations, or appear abroad in the European capitals, in the highest circles, as her ministers and representatives. In England intellectual eminence enjoys no such preference; a man recommended by talents only is never appointed Foreign Minister, Colonial Governor, nor hardly esteemed suitable for an *attaché*, or Secretary of Legation. Under our worn-out feudal monarchy, which everybody knows and feels to be on its last legs, the old *prestiges* are sedulously kept up, and authority never appears to feel adequately represented, or its functions discharged, unless by hereditary rank or an empty title. If the pageantry be forthcoming, and the means for ostentation, show and equipage, these are deemed enough; the rest, the intellectual part, and executive ability, it seems to be thought, may be easily hired and paid for: and

this would appear to have determined the choice of the late Duke of Northumberland for ambassador to France, though unable even to speak the language of the country. Indeed it is generally considered, that the English aristocracy, by which is not meant the nobility only—a social *caste*, that is daily becoming of less relative significance, by the rapid evolution of new interests—but all who affect to belong to the patrician circle, by congeniality of sentiment, style, and fashion, entertain a jealousy, if not positive aversion, towards mere personal worth and attainments. This is the view taken of the Order by one of themselves, who has had abundant opportunities for forming an opinion, and who possesses first-rate powers, both for depicting and truly estimating his impressions. According to this authority, the aristocracy have a contempt, amounting almost to hatred, for everything savouring of solid science, useful knowledge, or spontaneous and independent exertion. It is only the servile, the trivial, the depraved, and licentious, they ever care to encourage or patronise. If not absorbed in that which is purely sensuous or sensual, and they do incline to anything partaking of art or intellect, it is always of the lowest class. Mediæval barbarisms, sympathies, and superstitions; buffoonery and farce, vulgar sight-seeing and posture-making, scandal and caricature, constitute their chief elegancies and refinements, and all for which they have a hearty relish, or care to appreciate. We shall, however, quote the noble author's own words. He is speaking of their relations to the Press, of which he affirms they live in habitual dread :—

“That their encouragement,” says he, “is confined to the vilest portion of the press has long ago been affirmed. The respectable journals are no favourite reading of theirs.

The newspaper that fearlessly defends the right, that refuses to pander to the headlong passions of the multitude, or cater for the vicious appetites of the selecter circles; that does its duty alike regardless of the hustings and *boudoir* has little chance of lying on the satin-wood table, of being blotted with ungrammatical, ill-spelt notes—half bad English, half worse French,—or of being fondled by fingers that have just broken a gold wax seal on a grass-green paper. But more especially will it be excluded, possibly extruded from those sacred haunts of the Corinthian order, if it convey any *solid instruction* upon a *useful* or important subject interesting to the species which the writers adorn, and the patricians do their best to degrade. Even wit the most refined finds no echo in such minds; and if it be used in illustrating an argument, or in pressing home the demonstration (as it after may be), the author is charged with treating a serious subject lightly, and of jesting where he should reason. Broad humour, descending to farce, is the utmost reach of their capacity; and that is of no value in their eyes, unless it raises a laugh at a friend's expense. Some who have lived at Court, and are capable of better things, say they carefully eschew all jests; for princes take such things as a *personal affront*—as raising the joker to their own level, calling on them to laugh with him. One kind of jest, indeed, never fails to find favour in these high latitudes—where the author himself is the subject of the merriment. Buffoonery is a denizen in all Courts, but most commonly indigenous; and, after the Court's fashion, patrician society is fashioned. It is not in the true aristocratic circles that any one will adventure the most harmless jest, who would not pass for a Jacobin or Free-thinker. He may make merry with the led-captain, or the humble companion, or possibly the chaplain (though that was rather in the olden time, before the French Revolution had brought the upper orders to pay the homage rendered to vice and virtue, without acquiring piety or morals). Another kind of wit rather indicates, if tolerated, that the adventurous individual has found his way thither from the lower latitudes of the liberal party."—*Isaac Tomkins*.

All this exhibits a very Chesterfieldian state of ex-

istence—formal, hollow, dull, immoral, and withal, we should think, very miserable. It does not, however, further concern our subject. As to the relations subsisting between our aristocratic Pension List and the Press, it is not certain perhaps that they could be altered with mutual benefit. If there be no patronage there need be no dependence. If men of letters have been neglected, they do not, in the main, appear to have thriven the worse for it; there are, no doubt, melancholy exceptions constantly occurring; but still, as a class, those devoted to science and literature never perhaps held a more elevated position. As to mere poverty, which in the aggregate is doubtless their portion, that in every age has been the lot of the children of light. But they are a power—a great and independent power—that can make itself felt, which is some compensation. Another adjunct in their favour is, that whatever was mean and disreputable, has ceased to pertain to their vocation; they no longer receive bribes—pander to no popular licentiousness or vices of the great, nor seek their favour. This is true honour, and their proudest triumph; and a further peculiarity may be remarked in their position, namely, that there is not a public writer of the present day, whether light or solid—whether he essays to instruct or amuse—of any power or pretension, who is not on the *liberal side*. What may be the social result of this cast of parts, both to the *status* of themselves and the masses with whom they are identified in interest and aim, it is not difficult to foresee.

However, science and literature, we repeat, are only incidentally connected with the Pension List, and we need not dwell longer upon them. There are authors, no doubt, who have received pensions, but they form only one class of items—they do not comprehend the entire—

and it will be best to give at once the whole gathering, and the specified objects for which the royal largesses have been bestowed in each year of the Queen's reign, either at the instance of successive Prime Ministers or their colleagues.

APPROPRIATION in PENSIONS of the CIVIL LIST ALLOWANCE of 1,200*l.* per annum, by MINISTERS each year, from the Accession of the QUEEN to June 20th, 1846.

1838.—*Sydney Morgan*, wife of Sir Charles Morgan, 300*l.* In consideration of her attainments in literature, and to fulfil the intentions of his late Majesty, by whom such grant had been directed, and whose illness prevented the completion of the necessary warrants. Lady Morgan has always been an uncompromising liberal, and it is easy to believe that it was the straightforward determination of King William, rather than her party predilections, which procured her this alleviation of the miseries of age and blindness.

William Wallace, Professor of Mathematics, 300*l.* For attainments in science and literature, and his valuable services up to an advanced period of life, first in the Military College, Sandhurst, and next at the Edinburgh University.

Mears, Mrs. 40*l.* For the loss of her husband, killed at the riot in Canterbury, and bad health.

1839.—*Newport*, Sir John, 1000*l.* "In consideration of the zealous and efficient services rendered by him to the public during a period of nearly half a century, within which time he filled the offices of Chancellor of the Exchequer of Ireland and Comptroller-General of the Exchequer of the United Kingdom. The latter office he resigned in consequence of his great age and infirmities." Not exactly, it is believed, but to liberate the late Comptroller-General's place and salary of 2,000*l.* for the convenience of Mr. Spring Rice's hereditary honours. It follows, that men of science and literature have lost 1,000*l.* a-year in the maintenance of the new Baron's

peerage dignity. One thousand pounds at one swoop swallowed up nearly the entire year's allowance, reward for a whole twelvemonth only a paltry 200*l.* to several personal services to the Crown, and intellectual eminence. Surely there were other funds to resort to, without trenching on the poor pittance for loyalty and literature. Why were not Sir John Newport's long services remunerated as those of other placemen are, by a superannuation, a compensation for loss of office, or by a special application to Parliament? Aye, there's the rub! Go to Parliament, indeed, for the gilding of Lord Monteagle's new coronet! The resolution of the House of Commons, already noticed (p. 121) indicates plainly enough what would have been the issue of that kind of appeal, and of which the Melbourne Cabinet, with their dirty business in hand, seems to have had a presentiment. Rather than try this venture, Sir John Newport was quietly shelved among authors, and artists, and the decayed menials of the royal household; Viscount Morpeth being put forward to make the best defence he could for the very questionable proceeding. Such a mode of providing for an old servant was hardly within the limits, we suspect, of the objects contemplated in the grant of the 1,200*l.*; and if not, it was a diversion of a public fund from its lawful purposes, and a dereliction by Ministers of the duty prescribed to them by their own Act of Parliament.

*Aldridge, Hannah, Caroline, and William, 25*l.** Widow and children of a meritorious police officer, who was murdered at Deptford, in the execution of his duty.

1840.—*Lander, Mary, 75*l.** For the science, zeal, and courage displayed by her husband in a hazardous expedition into the interior of Africa, for the extension of knowledge.

Broune, James, LL.D. Member of the Faculty of Advocates at Edinburgh, 100*l.* In consideration of his literary attainments.

Baremy, Rev. Henry, teacher of German; in consideration of the services rendered by him to Her Majesty during her education, 100*l.*

Guazzaroni, Giuseppe, teacher of Italian; for like services, 50*l.*

Sale, John Bernard, Esq., teacher of singing; for like services, 100*l.*

Steward, Thomas, teacher of writing; for like services, 100*l*.
Grandineare, Monsieur Francois, teacher of French; for like services, 100*l*.

Anderson, Mrs. Lucy, teacher of music; for like services, 100*l*.

Bowdin, Madame Sarah Matilda, teacher of dancing; for like services, 100*l*.

The objects for which the preceding seven pensions were granted all certainly come under the description of "*personal services to the Crown*;" so they are legal at any rate; and the Queen is so deservedly popular, that the public would be loth to begrudge anything in reason on her account. Still, if the pecuniary position of Her Majesty be considered, some perhaps will be inclined to think that these charges might have been otherwise, and better provided for, without encroaching on the fund for poor authors, artists, &c. It will be recollected that a few months past, when Lord John Russell was applied to on account of the orphan children of that really clever and excellent man, Thomas Hood: he said, in substance, that his heart was good, but he was powerless. The chest was empty; all the 1,200*l*. had already been disposed of in the relief of Baron Monteagle's ejected, or other distressed objects. But having discovered the scantiness and inadequacy of the means at his disposal, did he ever try to enlarge them by an appeal to Parliament, or elsewhere? Not a bit of it. In lieu of bringing forward the wasteful estimates of the present Session for gunpowder, war-steamers, and ordnance, would it not have been more creditable to his Lordship, and better evinced the sincerity of his compassionate regrets, had he proposed to the House of Commons to increase the provision for that class of men whom Mr. Tomkins says, are "an ornament to their country," and who have certainly been the chief source of her renown and greatness. There were also other modes of relief. Perhaps Her Majesty, who we believe never refuses if asked, might have been disposed to fork out a trifle from her privy purse of 60,000*l*., or to resort to the royal bounty allowance of 13,000*l*. and upwards per annum. There was also the Queen Dowager, who, with her 100,000*l*. a-year, might have been inclined to contribute some-

r Prince Albert, with his 30,000*l.* annuity, and which
 gs wished to make 50,000*l.* It is true, these are
 ncomes, and the receivers are not bound any more
 er people to expend them in doles. They have too,
 , many claims upon them, and the world has had
 t they are not stingy in their charities. Therefore,
 gain driven upon the Premier, and compelled to ask,
 did not come to Parliament for more liberal sup-
 rging this squandering Session, and with such an
 ase to back his appeal? It would have been far
 i our opinion, and would have more unequivocally
 the sincerity of his sympathy, than sending the
 box round among the city aldermen.

u, *Henry*, ironmonger, at Newport, 20*l.* For his
 as special constable during the late riots, when he
 several wounds.—*Thomas Walker*, innkeeper, for like
 20*l.*—*Edward Morgan*, draper, for like services, 20*l.*
Deane, *Peter Warren*, chief factor of the Hudson's
 pany, 100*l.* For the personal danger and fatigue
 e by him in geographical discoveries on the northern
 America.

i, *Elizabeth* and *Maria*, 100*l.* Daughters of Sir
 Kennedy, late Commissary-General; in considera-
 s long and arduous service of thirty-eight years, in
 arts of the continent of Europe, during which he
 wrecked and taken prisoner; and the uniform accu-
 h which the immense amount of money passing
 his hands was accounted for. An additional pen-
 0*l.* each, was granted to these ladies in 1842.

George, Esq., 100*l.* In consideration of his services
 vancement of learning, as the editor and publisher
 i works of Greek literature.

, *Thomas*, Esq., 50*l.* For his meritorious and suc-
 cessions in promoting the science of Geology.

lev. *Thomas*, M.A., 100*l.* For his services in the
 ment of learning, as the editor and publisher of
 orks of classical literature.

Benjamin, Esq., 40*l.* For services rendered to
 , particularly in the Anglo-Saxon language; in
 o the pension of 160*l.* formerly granted to him. A

lucky author, Mr. Thorpe, to have two pensions! We wonder who his friend is at Court? But we have got into good vein of pensions now; they are a credit to those who granted them.

Snow, Harris, 300l. For his services in the cultivation of science, especially in the investigation of electric phenomena.

Wynyard, Sophia 200l. For long and faithful services rendered to the Royal Family, as well as her impoverished circumstances.

Jeremie, Catherine, 200l. Widow of Sir John Jeremie; in consideration of the activity and usefulness displayed by him in the execution of his duties in several capacities in the Colonies, and of his death in the public service when Governor of Sierra Leone.

Anster, John, 150l. For the successful application of his talents to the cultivation of literature.

James, Mrs., 100l. Widow of the Author of "James's Naval History of Great Britain," and the able manner in which the achievements of the British Navy have been recorded in that work.

Clapperton, Margaret, 50l. Sister of the celebrated African traveller, who lost his life while engaged in exploring the interior of that quarter of the world.

1842.—*Louisa, Baroness Lehzen, 400l.* For the faithful services rendered to Her Majesty during a period of eighteen years.

Wordsworth, William, 300l. For his distinguished literary attainments.

Curtis, John, 100l. For his "zealous devotion to science." What science? If it be the botanist or entomologist of the name good; but surely it is not the advertising aurist!

Owen, Richard, 200l. Hunterian Professor; in consideration of his distinguished exertions in the improvement of science. A well-merited pension, and no inquiries requisite; but it ought to have been 300l. The next has similar claims.

1843.—*Bell, Marion, 100l.* For the services rendered to the cause of science by her husband, Sir Charles Bell.

Drummond, Anne Eliza Maria, 200l. In consideration of the public services of her brother, Edward Drummond, Esq., who acted as Private Secretary to the Right Hon. George

Canning, the Earl of Ripon, the Duke of Wellington, Sir Robert Peel, during tenure by each of these Ministers of the office of First Lord of the Treasury, and who died by the hand of an assassin on the 25th of January, 1843. The lady ought to have been provided for from another source; her case is not within the descriptions of the statute. See p. 223.

Sale, Florentina, 500*l.* On account of the distinguished military services of Colonel Sir Robert Henry Sale, and in particular of his gallant defence of Jellalabad. This case too, is beside the statute, and Lady Sale, as she well merited, ought to have been well-provided for from other public funds.

Brown, Robert, 200*l.* For his contributions to the science of Botany.

Hamilton, Sir William Rowan, M.A. Astronomer Royal for Ireland, 200*l.*

1845.—*Tytler, Patrick Frazer*, 200*l.* For his eminent literary attainments and merits as an historian.

Robertson Susan, Mary, Eleanor, and Elizabeth, 50*l.* each. Four daughters of Colonel Robertson Macdonald, and grand-daughters of the late Principal Robertson, in consideration of the eminent literary merits of their grandfather, as an historian, and their own destitute situation.

Stoddart, Jane and Frances Agnes, 75*l.* each. Sisters of Colonel Stoddart, murdered at Bokhara, in consideration of the services of their brother, and of there being no adequate provision for them.

D'Este, Augusta Emma, 500*l.* In consideration of her just claims on the Royal beneficence. An additional 500*l.* was granted in July; but why not charge them on the grant for royal bounty?

Lowe, Clara Maria Susanna, 50*l.* Daughter of the late General Sir Hudson Lowe, in consideration of the services of her father, and her own destitute condition. A small stipend to the child of an officer who, we believe, has hardly had justice done to him, and who, if he erred in his treatment of Napoleon, did so from a mistaken sense of public duty.

Shree, Mary Archer, 200*l.* Wife of Sir Martin Archer Shree, President of the Royal Academy, in consideration of his eminence as an artist, and of his service as President of the Royal Academy during a period of fourteen years.

Tennyson, Alfred, 200*l.* For his eminence as a Poet.

Forbes, James David, Professor of Natural Philosophy at the University of Edinburgh, 200*l.* For his eminent attainments in science.

1846.—*Loudon, Jane*, 100*l.* Widow of the late John Claudius Loudon, author of several works connected with Botanical science; in consideration of his services and merits. Too little for so deserving an author, and the relict of one so useful, meritorious, and indefatigable as the late Mr. Loudon.

The enumeration of Crown Pensions dispensed during the present reign has not presented many objects for serious reprehension. The inadequacy of the provision, and a few instances of the apparent misapplication of even that small allowance, have formed the chief texts for inculpatory comment. It is really a reproach to a great community to have done so little for that order of merit, which can alone constitute its enduring fame. All that is material must perish, as it has perished before; and the productions of mind form the only lasting traces of national eminence. But of these the Government takes little heed; and were they the mere weeds of society in place of its flowers and directive spirit, they could not be more left to the chances of the elements. In addition to the present fixed and insignificant sum at the disposal of the Minister, there seems no solid objection against his proposing every Session, according to the exigency, a yearly grant to Parliament for the encouragement of science, literature, and the arts. There would be no legislative inconsistency in this. Large sums are yearly voted for the maintenance of the British Museum and the National Gallery, and why not for the living votaries whose toils have given to them their chief or only

value, and the continuance of which can alone perpetuate their interest and usefulness. It is an omission, we suspect, more than a want of liberality or due appreciation of the importance of the object. No doubt, some may think authors and artists should only be fed, not fattened; that half pay, or no pay at all, is their best regimen. But this, we should hardly think, is the prevailing sentiment. There must, no doubt, be fighting men, as well as painters, poets, and philosophers; the surviving barbarism of the world requires them, but it is disgraceful to Parliament to bestow all its choicest gifts—its pensions, titles, and monuments—on the former, and leave the latter, for aught it cares, to indigence and oblivion.

III.—HEREDITARY AND PARLIAMENTARY PENSIONS.

Over these the Crown and its Ministers have no control; neither has the Legislature. They are held to be a kind of property-settlement that cannot be disturbed during subsisting interests. Some of them are for life, or lives; the others are perpetuities. The Hereditary Pensions are of the latter class; they have existed for one or two centuries, and are payable, and must ever so continue, according to the original grant, out of the revenues of the Post Office and Excise, or out of duties levied on the West India planter,

As most of the Hereditary Pensions are large in amount, the burden they have entailed upon the community has been enormous, and with no more creditable origin, perhaps, than some capricious preference or illicit amour of the sovereign. Of this description were the four ducal peerages that were created in the reign of Charles II. It might be right in this profligate king

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to quarter the produce of his debauchery on the people's industry, but one feels surprised and indignant that the public scandal has been unblushingly continued down to those days of fasts, Puseyism, and new episcopal creations. How happened it, that the revolution Whigs of 1688 did not rid the country of this long-standing reminiscence of regal licentiousness. It is extraordinary that the Right Reverend Bench of Bishops can have sat quietly so many years, environed with these titled mementos of human frailty, without ever making a single effort to remove this corruptive examples, or efface the remembrance of them. The Grafton peerage was one of the number created by the Stuart for his illegitimate offspring. The date of the creation is 1675, so that 172 years have elapsed since the commencement of this disreputable infliction. In the *Annual Finance Accounts*, we find that the sum yearly payable to the present Duke of Grafton is 3,407*l.* out of the Post Office revenue, and 8,539*l.* out of the Excise, making a total of 11,946*l.* per annum. So that the maintenance of this single peerage up to the present has cost 1,954,712*l.*, amounting, within a trifle, to two millions sterling. Rather an onerous bill of charges the public must needs think, for a single royal amour, and forming one of these incidents in monarchical history that it can hardly wish to see multiplied.

There are other Hereditary Pensions, but not of so objectionable an origin. The Marlborough annuity may be cited as a specimen of a more venial character. The first duke of the name possessed so many eminent qualities, and his military exploits were of so dazzling a kind, that it was hardly possible to withhold from him some signal testimonial of national gratitude. Still these interminable charges are of so burdensome a

nature, and from the uncertainties of hereditary succession may become payable to descendants so little worthy to receive them, that they ought to be very cautiously incurred. The Marlborough pension of 4,000*l.* out of the Post-office duties has been paid 133 years by the nation, amounting to above half-a-million. This is exclusive of large grants for the purchase of estates for the Duke, and of the charge for the erection of Blenheim House, amounting to an additional million and more. Quite enough outlay, many will think, for the services of one individual, in achieving the military glories of Queen Anne's wars; for military glory was the chief abiding result of Marlborough's victories, splendid as they unquestionably were.

It is surprising with what readiness and reckless profusion the present Parliament has lent itself to the increase of such military incumbrances. They mostly pass as matters of course, without eliciting a single dissentient vote, or a thought, apparently, of the burden they transmit to a guiltless posterity. Within the last six years, during which most people imagined the nation was in the midst of a profound peace, four military peerages have been created, with large parliamentary pensions annexed for the maintenance of the dignity for two or three generations. Yet the national benefits resulting from some of the services for which these grants have been made, are not very palpable. On Lord Seaton's services in Canada we shall offer no remark; there was great scope for the exertion of useful abilities in that province; but no Englishman would care to preserve any senatorial monument of the disastrous issue of Lord Keane's invasion of Affghanistan. The subsequent war with the Sikhs, however, was perhaps as honourable as any in which England

has ever been engaged in the East. It appears to have been strictly a defensive contest, into which the Governor-General was driven to repel a wanton and causeless aggression. But even in rewarding the victors of Ferozeshah and Sobraon, the Legislature narrowly escaped the blame of a most heedless lavishness. The case was this. Only a few days before Sir Robert Peel moved a resolution for a pension of 3,000*l.* a-year to Viscount Hardinge, and 2,000*l.* a-year to Lord Gough, the Directors of the East India Company had passed a resolution conferring pensions of 5,000*l.* and 2,000*l.* on the Sutlej conquerors respectively. Of course there was no need of these double compensations for a single Indian campaign, however successful. Consequently, in the bill brought forward in the Commons, the annuities were settled on the next two surviving heirs male of the annuitants; but a clause was inserted, suspending the payment of the Government annuities during the payment of those granted for life, a few days previously, by the East India Company. In this shape the bill passed the Lower House. But in the Lords the Duke of Richmond unexpectedly moved and carried a resolution to strike out the suspending clause. Luckily, a change of ministry ensuing, Lord Lansdowne promptly moved and carried a resolution for its reinsertion. For this, it is likely, the country will feel thankful, without the least wish to be stingy in awarding the pre-eminent ability and valour displayed by Lords Hardinge and Gough in the late battles. For the acquisition of Gwalior and the conquest of Scinde no peerages have been conferred, nor perhaps are any intended. It seems doubtful, indeed, whether the country has not gained a loss by the battle of the elephants, and the Napier-Elfenborough oriental campaign.

The contemporary grants for civil services have been few in number, the lavishness of Parliament mostly taking a martial direction. Those civil pensions that have been granted have been mostly to late Speakers of the House of Commons. For the higher class of state functionaries an Act of Parliament has made provision. This Act was first passed in 1817, to compensate Ministers and other leading placemen for the prospective loss of the great sinecures, which were then being abolished or threatened by the Radical movement; and the history of the changes the Act has since undergone, is very instructive of the salutary influence of public opinion. As first framed it comprised very ample provision indeed, after short terms of service, for retiring Prime Ministers, Chancellors of the Exchequer, Secretaries of State, Lords of the Admiralty, and other magnates of any dissolved administration. It was while the statute continued in this state of exuberance, that such far-seeing men as Lord Bexley, Mr. Croker, Mr. Courtenay, Mr. Hobhouse, and others of a like gauge of statesmanship and patriotism, took shelter under its grateful shade, and beneath which they still continue to luxuriate. But the Reform Bill, and its practical applications under Earl Grey's Ministry, cut down this Tory Upas unsparingly, and in an almost republican spirit of self-denial and retrenchment. The statute 4 Will. IV., cap. 24, still affords a retreat for worn-out or rejected Ministers, but the time of service has been lengthened, and the scale of the allowances greatly reduced. Moreover, the statute has been made available only in cases of real necessity; so that no First Lord of the Treasury, or of the Admiralty, President of the India Board, Secretary or Under-Secretary of State, or other applicant is now entitled to a pension, unless his applica-

tion be accompanied with a declaration to the effect, that his *private fortune* is otherwise unable to maintain his station in life.

These close and homely regulations would almost appear to have rendered the statute inoperative. There have certainly been changes of Ministries since the Act was passed, the members of which were eligible, but, except Lord Auckland, they do not appear, from the *Finance Accounts* of 1846, to have taken the benefit of the Act. Perhaps their pride was too great to plead poverty, or their circumstances might be such as not to need bolstering up by a retiring pension; if the latter, we rejoice that they are so happily situated, both for their own sakes, and that of their already heavily-burdened country.

These prefatory explanations appear all that are requisite to render intelligible the subjoined statement.

ACCOUNT OF HEREDITARY AND PARLIAMENTARY PENSIONS AND ANNUITIES.

Annuities to the Queen and Royal Family. Her Majesty's Civil List, namely, for the Privy Purse, 60,000 <i>l.</i> ; salaries for the Household and retired allowances, 131,260 <i>l.</i> ; expenses of the Household, 172,500 <i>l.</i> ; Royal Bounty, alms, and special services, 13,200 <i>l.</i> ; pensions to the extent of 1,200 <i>l.</i> per annum; unappropriated monies, 8,040 <i>l.</i> ; total					£ 392,165
Duke of Cumberland (King of Hanover)					21,000
Duke of Cambridge					27,000
Mary, Duchess of Gloucester					16,000
Princess Sophia					16,000
Adelaide, Queen Dowager					100,000
Duchess of Kent					30,000
Prince Albert					30,000

NAVAL AND MILITARY PENSIONS.

	£
Lord Rodney... ..	1,000
Dowager Lady Rodney	1,000
Earl of Camperdown	3,788
Lord Abercrombie	3,000
Lord Amherst	2,000
Viscount St. Vincent	3,000
Earl Nelson	2,000
Elizabeth, Countess of Nelson	2,000
Heloise, Dowager Countess of Nelson	2,000
Viscount Lake	2,000
Duke of Wellington	4,000
Lord Beresford	2,000
Lord Combermere	2,000
Lord Exmouth	2,000
Lord Seaton	2,000
Lord Keane	2,000
Lord Gough	2,000
Viscount Hardinge	3,000

The payment of the two last pensions by Government, as before explained, is suspended during the payment of the pension of 5,000*l.* to Lord Hardinge, and of 2,000*l.* to Lord Gough, by the East India Company.

Hon. Sarah Collingwood	500
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PENSIONS FOR CIVIL SERVICES.

Granville Penn	4,000
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A Parliamentary compensation, originally granted to the Penn family, to indemnify them for the loss of territorial rights in Pennsylvania, consequent on the separation of the American colonies from the English Government.

Lord Colchester	3,000
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The father of this lord was Speaker of the House of Commons for many years, with a sufficiently large salary, and held, till death, the valuable sinecure of Keeper of the Privy Seal,

Ireland. He was a time-serving lawyer, and the vote of censure on his conduct, moved by Lord William Russell, stands recorded on the Journals of the House. Was not such a person adequately rewarded in his life-time, and ought the country to be burdened with a pension to his heir?

Lord Bexley	£ 3,000
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Here is a reward for consummate ignorance and laxity of principle. Lord Bexley left the Exchequer from sheer incapacity, and then skulked under the Canning Ministry as Chancellor of the Duchy of Lancaster, and after enriching himself in that sinecure, finally graduated on his pension under the profligate compensatory Act, whose history has just been explained.

Lord Glenelg	£ 2,000
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Stephen Rumbold Rushington	£ 1,000
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Brother-in-law of Lord Harris. Late Governor of Madras, and of course with a pension from the East India Company. With such a provision, and always filling lucrative offices, what need can he have of this pension?

John Wilson Croker	£ 1,500
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Henry Goulburn	£ 1,500
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Henry Hobhouse	£ 1,000
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A group of Tory ex-placemen, provided for under 57 Geo. III. The conditions on which their pensions are received is, that when they hold offices—that is, get into work again—their pensions shall cease. It is a kind of *out-door allowance*, for the exigencies of official life.

Robert W. Hay, Esq.	£ 1,000
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William Richard Hamilton, Esq....	£ 1,000
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John Backhouse, Esq.	£ 1,000
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Viscount Canterbury	£ 4,000
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The father of the Viscount was many years Speaker of the House of Commons; on his retirement he was removed to the House of Lords,

	£
and this pension settled upon him and his next heir, to support the dignity of the peerage.	
Viscount Canning	3,000
Only surviving son of the late Rt. Hon. George Canning. Was under-secretary for Foreign Affairs, from 1841 to 1846 ; was, for a short time under the late Peel Ministry, First Commissioner of Woods and Forests, and is still Commissioner of Metropolitan Termini.	
Sir John Barrow, late Secretary to the Admiralty.	1,000
Spencer Percival, Esq.	2,700
Rt. Hon. H. Ellis.	1,400
The last are compensations for the loss of sinecures on the reform of the Exchequer. Mr. Percival is one of the sons of the Prime Minister assassinated by Bellingham, and on whose widow Parliament settled a pension of 2000 <i>l.</i> : and who, within the <i>annum luctus</i> , married a Major Carr, of the Guards.	
Sir Henry Pottinger, the Chinese negotiator ...	2,000
Prince of Mecklenburgh Strelitz	1,788
This pension appears to have been originally granted to the father or brother of Queen Charlotte, and to be continued to the present Prince—one of the benefits arising out of our German alliances. It is too bad that the people of England should support a German prince ; and a period ought to be fixed to the duration of this expense.	
Earl of Abergavenny	1,545
Granted in compensation for the Inspectorship of Prosecutions in the Customs. It was a sinecure, abolished nearly 40 years since, and surely the public has paid enough for an office so long past declared useless by statute, (51 Geo. III. c. 71.)	
Lord Brougham and Vaux, late Lord Chancellor	5,000
Lord Lyndhurst, ditto	5,000

The office of Lord Chancellor is the worst regulated in the state, both in respect of duties, patronage, salary,

and pension. The salary is 15,000*l.* and as there is, with the one *in*, mostly two *out*, the annual cost to the country of this single office is 25,000*l.*, or treble the yearly outlay on the Chief Justice of England. Lord Brougham is a bitter enemy to the principle of the Poor Laws, as tending to encourage idleness and improvidence, but why does his lordship, in his own person, countenance the application of a principle, which he denounces when applied in aid of the less instructed portion of society? What are the pensions granted to ex-chancellors, but a compulsory rate levied on the community, as a provision for old age, a large family, or scarcity of work? These are, in truth, the grounds on which the present extravagant settlement was made, and has been sought to be justified. By the loss of law fees and sinecures, it was assumed, the Lord Chancellor had not adequate means for providing for his children; and the pension was granted as a reserve to fall back upon in advanced life or when unemployed. Other pretexts have been urged, namely, that once a judge, always a judge; or, at least, that none of the legal sages ought to condescend to an inferior station. This etiquette was partly got over by Lord Chancellor Lyndhurst becoming, after holding the Great Seal, Lord Chief Baron; but why not practise at the bar again, or in chambers, after the example of Chief Justice Pemberton? As to any compromise of legal dignity, or official degradation, we can see none. Look what ups and downs Prime Ministers have, sometimes battling on the floor of the House of Commons with Roebuck, Hume, or Colonel Sibthorpe, and next day, perhaps, exercising sovereign functions in the government of the British empire. This has been the fate, over and over again, of Lord John Russell and Sir R. Peel; and after all their transitions, they stand just

where they did in public estimation. It is worth and ability that make a man, not a pension, coronet, wig, gown, mace, or other barbaric symbol.

	£
Pensions to servants of Queen Charlotte ...	3,833
Ditto . . . of George III. ...	5,282
Ditto . . . of Queen Caroline ...	421
Pensions formerly on the Civil List of George IV., William IV., the Hereditary Revenues of Scotland, and 4½ per cent. Duties ...	74,618
The origin and particulars of this mass of pensions has been given in the preceding exposition of Civil List Pensions.	
Pensions formerly on the Irish Civil List, Grants by the Irish Parliament, and compensations for loss of emoluments by the Union, and the reforming the Courts of Law.	63,955

HEREDITARY PENSIONS.

Earl Amherst ...	3,000
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This is one of the most objectionable of the *hereditary* pensions. It was transmitted by the uncle of the peer, Sir Jeffrey Amherst, a favourite of George III., and placed by him at the head of the army; when, as Commander-in-chief, he introduced and protected such bare-faced jobbing and traffic in commissions, as both disgraced and ruined our military power. The loyalty of that day was, not to entertain even a suspicion of the misconduct of the individual who had the ear of royalty, however flagrant; and thus the court favourite died in the full enjoyment of the rewards of his baseness, and left the army of England to his successor, more a body in name than in reality.

Earl of Athlone ...	2,000
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This family, the *De Ginkells*, came over with William III. in 1688, and was one of his instruments of oppression in Ireland. It was rewarded

	£
by a grant of 26,000 acres of land, the forfeited possessions of the earl of Limerick. This grant was reversed by Parliament, and the family retired to Holland, whence they returned on the expulsion of the Stadholder. The Earl took his seat in the Irish House of Lords in 1795, and reclaimed his pension.	
Duke of Grafton, out of the Excise	8,539
Ditto, out of the Post-office	3,407
These pensions have been already remarked upon. They are the greatest of existing enormities. Grants and conveyances of property are constantly being set aside in courts of equity for want of a <i>good title</i> or <i>adequate</i> consideration; and why should the whole mass of pensions and compensations be held more sacred? It is sheer nonsense to think about the existing generation and posterity being tied up for ever by the folly, ignorance, prodigality, and short-sightedness of their progenitors.	
Duke of Marlborough, out of the Post-office ...	4,000
Heirs of the Duke of Schomberg, ditto	2,900
One of King William's followers, and killed, it is supposed, by a random shot from his own troops at the battle of the Boyne. The pension is now received by a private gentleman, who bears the name without the title of his ancestor.	
Earl of Bath	1,200
There is no peerage of this title, but this payment is entered in the <i>Finance Accounts</i> to the "assignees of a Charles Boone, Esq," as a moiety of the original pension to the Earl of Bath. The first Earl (Pulteney) was the Disraeli of his day, and his name is familiar enough in the early history of the Hanover family.	
Earl Cowper, payable out of the Excise	1,600
Here is a singular instance of the application of the revenue. The present noble lord holds it as an inheritance, acquired by the marriage of	

his grandfather with the heiress of the son of General Overkerken, created Lord Grantham. This general was greatly distinguished in the wars of the Duke of Marlborough; but whether the pension was granted by King William for the services of the father, or for a loan of money from the son, is not known, no document being extant to establish it; but this pension has been made part of the family settlements of the noble Earl, who succeeded to it at his brother's death, as he did to his estates; he may dispose of it at his pleasure. As an *inheritance*, his Lordship cannot be blamed for drawing this sum regularly from the public purse; but it is reasonable that arrangements should be made for the extinction of this, as the other hereditary annuities. The possessors are entitled to some compensation, but their vested rights are not such that they can look for so many year's purchase as if they were landed property. No improvement has been made—no outlay incurred; and what was apparently so lavishly given, and has been so long enjoyed, may be resumed, with some regard to the present times and the general interests of the country.

J. C. Beresford, as late Storekeeper	£ 4,315
Rev. J. Burrard, as late Searcher	1,100
Both the last were patent offices in the Irish Customs; they are abolished, and what compensations!	
Edward Bates, late Sec. of Taxes... ..	1,370
Thomas Bedwell, late Chief Clerk, Foreign Office	1,396
J. Butler, late Commiss. Customs... ..	1,100
W. G. Campbell, as late Principal Clerk of the Admiralty Court in Scotland	1,107
James Corry, as late Sec. to Linen Board, Ireland, and late Clerk of the Journals of the Irish House of Commons	1,068
James Chapman, late Chief Clerk in the Col. Dept.	1,100

	£
R. Dawkins, late Commiss. Excise	1,050
Edward Earl, Commiss. Customs	1,000
H. D. Grady, as late Counsel to the late Board of Excise, Dublin	1,333
E. Houltoin, as late Assistant Paymaster-General	1,200
J. Harrison, late Port Surveyor, Dublin, (office abolished)	1,207
Right Hon. J. C. Herries, late Commis.-in-Chief	1,350
T. Hoblyon, late Clerk in the Treasury	1,050
B. S. Jones, late Assistant Sec. to the India Board	1,200
Duke of Manchester, as late Collector of Customs	2,929
Compensation allowance for an abolished office, and which was received by the late Duke and the Duchess dowager of Manchester.	
Earl of Mayo, as Chairman of the Committee of the late House of Lords, Ireland	1,332
Sir T. B. Martin, Comptroller of the Navy	833
Lord G. Seymour, late Chairman of the Board of Excise	1,500
Lord W. Seymour, compensation for loss of office as late <i>Craner</i> and <i>Wharfinger</i> , Dublin	1,251
J. Trotter, late Storekeeper-General	1,100
N. Price, compensation for loss of office as com- piler of the Dublin Gazette	1,590

DIPLOMATIC PENSIONS.

Of these there are thirty-five, whose total amount is 40,415*l*.
We have not space for names.

IV.—TOTAL AMOUNT OF PENSIONS.

This is an item it is hardly possible to make out. The funds from which pensions are paid are so numerous, that it is next to impossible to bring the entire of this branch of expenditure within a single focus. Some are charged on the Civil List, some on the Consolidated Fund; others are paid out of the hereditary revenues of the Post-office, the Excise, and Crown lands. There is a vast mass of pensions paid

out of the fees received in the public offices, from fees paid by suitors in courts of justice, and from the estates of bankrupts. These are exclusive of pensions, numerous and large, paid by the East India Company, and out of colonial revenues. The term itself is not very strictly defined. A pension is generally understood to be an allowance made without an equivalent return. But if this version be admitted, then all annuities, compensations, superannuations, grants, royal bounties, and even salaries beyond an equitable remuneration for duties discharged, may be considered pensionary allowances.

To the tax-paying people, however, these distinctions are comparatively unimportant. It is sufficient for them to know, that all outgoings from the public treasury, by whomsoever granted or out of whatever fund paid, ultimately proceed from the produce of industry, and that the misapplication of them, for any other than effective services, or for services that have already been adequately remunerated, by pay, profits, fees, or patronage, is an abuse, whether committed by the Crown, its Ministers, or Parliament.

With these explanations, the subjoined statement is submitted.

SUMMARY OF PENSIONS.

Civil List, for the Personal and State Expenditure of Her Majesty	£392,165
Annuites to the Royal Family	254,000
Pensions for Civil, Naval, Military, and Judicial Services, charged by various Acts of Parliament on the Consolidated Fund (<i>Finance Accounts</i> , 1846)	286,937
Diplomatic Pensions, ditto	40,415
Hereditary Pensions out of the Post-office revenue	10,307
Ditto, out of the Excise	11,335
	£995,159

These few items, amounting to nearly a million per annum, are very far from comprehending the aggregate of pensionary disbursements. A vast additional sum is yearly paid out of the public revenue, besides what is paid from suitors' fees, and the produce of the taxes to compensate for the loss of sinecures in the Courts of Law. Then there is that huge mass of expenditure on the retired full-pay, half-pay, superannuations, pensions, and allowances in the Army, Navy, and Ordnance significantly termed the *Dead Weight*. Had all these been congregated, we should have been able to present a staggering outlay of NINE OR TEN MILLIONS, on what may be termed the non-effective service of the State.

V.—RATIONALE OF THE PENSION SYSTEM.

What, in conclusion, can be said on the Pension System? Does it admit of defence or extenuation? We think it does; it is the abuse in past times by irresponsible governments, not the thing itself that is wholly indefensible. We shall try the question on a broad principle, and despatch it in a few last words.

Everything in nature is governed by general laws, and the average results are uniform, but these do not apply to single or individual occurrences. In the vicissitudes of life, contingencies will happen that cannot be foreseen; such inappreciable uncertainties form as inseparable a condition of the moral as constancy does of the physical world. Human laws may be framed, but, however comprehensive and carefully expressed, novel cases will arise that can only be met by new laws, or a judicial amplification of former enactments. Similar dilemmas occur in the ordinary pursuits and occupations of business; the ablest and most experienced merchants may fail in their specula-

tions, and the most clever and industrious workmen be occasionally without employment. How ought such reverses to be met? There ought to be a resource somewhere; individuals being only accountable for the general, not the casual incidents of their case; and they must have some resort, either in the benevolent sympathies of the more fortunate, in charitable institutions for their benefit, or their parish. Government service is not exempt from like exceptionable exigencies. Superannuation funds have been established in the public offices by an abatement from official salaries; in the Army, Navy, and Ordnance, are regulations that provide for the ordinary casualties of the service; despite of these precautions, novel cases occur for which there is no provision, and which are excluded from relief "by the regulations themselves." A pension, then, becomes the only resort, and it must have been remarked, in the Civil List Pensions, that many of them have been granted to meet such accidents as had been unprovided for under the subsisting rules of the service.

This appears the most valid defence of the Pension System, it is a resource in unforeseen exigencies that cannot be brought within the compass of any general principle of provisions, or the limits of ordinary forecast. It has been urged that there is nothing like it in the common usages of life; that a merchant, for example, pays his clerk an adequate salary, and never thinks of pensioning him after he retires, or is worn out in his employment. This is the ordinary course; but suppose, by any misfortune, an old and deserving servant was in need, there are not many employers who would refuse to make an exception in his favour,—and it is only for the exceptionable cases that we plead

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annum, are very far from comprehending
of pensionary disbursements. A vast
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significantly termed the
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V.—Ratio

What, in order to be universally so. In some
System? Do you think the character of the indus-
We think it is the pension system is more expedient.
irresponsible is the case in the Army, Navy, and
wholly irresponsible. However great the pay might be in these
broad principle, service, it would, from the improvident

Even the habits of the recipients be squandered, and the reserved fund would ever be laid up for future application, either ordinary or casual. High pay will only tend to demoralize them, and render them inefficient and faithful in the discharge of their duties.

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VI.—PLACEMEN AND THEIR SALARIES.

It was once remarked by Lord John Russell, that the outcry which had been raised against pensions and exorbitant salaries, had been disproportionate to the magnitude of the evils. A single year of war would doubtless have dissipated more public money than

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1,000*l.* each to give away to such members
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State, hardly worthy of national concernment,
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ted that made it grievously objectionable, but
ntal application in fostering a standing body
l officials or dependents who had an interest
that of the people, in the support of bad
f good Government, or in resisting every

—and aid him by a pension or other mode of relief; or at least the world would think them ungrateful if they did not. The cases, however, are not exactly similar; a servant in common life may, in his time, have had many masters, and it may be hard to say on which he has raised a claim for what may be termed a settlement allowance, in case of an unforeseen necessity. The condition of the Government official is somewhat different; he can only have one employer; if he enter the public service, it is usually understood to be for life, and if he has any claim either on the score of misfortune or past desert, there can be no doubt on whom it attaches.

Unquestionably, as a general rule, the best form of remuneration is by an adequate salary, unaided by pension. But this is not universally so. In some branches of service, from the character of the individuals employed, the pension system is more expedient. For example, this is the case in the Army, Navy, and the Police; however great the pay might be in these branches of service, it would, from the improvident and dissipated habits of the recipients be squandered, and no reserved fund would ever be laid up for future exigencies, either ordinary or casual. High pay would only tend to demoralize them, and render them less efficient and faithful in the discharge of their duties.

VI.—PLACEMEN AND THEIR SALARIES.

It was once remarked by Lord John Russell, that the outcry which had been raised against pensions and exorbitant salaries, had been disproportionate to the magnitude of the evils. A single year of war would doubtless have dissipated more public money than

had been wasted under these heads since the accession of the Hanover family. But it was not the amount of the revenue so expended that constituted the mischief, but the hurtful mode of its expenditure. A pension or salary deservedly received from the Government, is no bribe to anybody; it is only the just reward of merit or service which the recipient is entitled to, and might have received in any line of exertion to which he had devoted himself. No sinister influence is exerted, no corrupt inducements are engendered in the apportionment of such remunerations; but suppose they are unworthily bestowed, and the case is wholly altered in its tendencies and character. This may be easily illustrated. Suppose the Minister had 100 pensions of 1,000*l.* each to give away to such members of the House of Commons as he might think fit to select for these seductive gratuities. An annual outlay of 100,000*l.* forms only a trifle in the general expenditure of the State, hardly worthy of national concernment, but such a mode of disbursement might work infinite mischief in perverting the course of legislation and public policy. It would not only be the pensioners themselves who might be influenced by it, but the far more numerous host that might hope or expect to be enrolled in the number of the elect, and whose votes and legislative co-operation would be influenced by so alluring a terminus to their parliamentary career. Here was the danger. It was not the amount of public money wasted that made it grievously objectionable, but its detrimental application in fostering a standing body of overpaid officials or dependents who had an interest apart from that of the people, in the support of bad in place of good Government, or in resisting every

change or improvement likely to endanger the perpetuity of their unearned gains.

The question was less important from its pecuniary bearings than its political influences. A hostile interest had been created—an interest inimical to the public welfare—and to get rid of it, or curtail its baneful power it was necessary to strike at the source by which it was supported, and cut off its vital aliment.

This has been done, and neither Pensions, Sinécures, nor Salaries, offer the irresponsible extravagances that existed in the days of misrule. For this the public is indebted to the celebrated Reform Ministry of the late Earl Grey, which, among its other good works, divested the chief government offices of their prurientes. Their average emoluments are not now inordinate; neither are they too numerous for the work to be done. The total number of Government *employés* is 23,578. In France, they are said to amount to 932,000; but the difference in the political administration of the two countries is so dissimilar in principle, that no comparison can be instituted between them.

From a parliamentary return of 1828, it appeared that the number of persons employed in the public departments amounted to 22,912, and their salaries to 2,788,907*l*. But this return did not include public officials in the courts of law, the royal household, nor the colonies, and which would have greatly augmented the number of functionaries and their emoluments. The following is a statement of the principal branches of the Revenue in which they were distributed, with a comparison of their numbers and emoluments in 1797.

Offices.	Year 1797.		Year 1827.	
	No. of Persons.	Salaries.	No. of Persons.	Salaries.
Customs . . .	6,004 .	£ 338,648 . . .	11,346 .	£ 964,750
Excise . . .	6,580 .	413,281 . . .	6,491 .	768,795
Stamps . . .	521 .	78,746 . . .	519 .	134,065
Taxes . . .	291 .	58,331 . . .	347 .	74,190
Post-office . .	1,110 .	63,408 . . .	1,710 .	107,931

It thus appears that in the year 1797 there were 16,267 persons employed in the public departments; and they received 1,374,561*l.* a-year. In 1827 there were 22,912 persons, and they received 2,788,907*l.*: the average income of each individual was 84*l.* in 1797, and about 121*l.* in 1827.

Of the higher class of functionaries—namely, those whose emoluments from any public source exceed 1,000*l.* per annum, we are able to exhibit a more comprehensive and recent statement.

CLASSIFICATION of 841 PLACEMEN and PENSIONERS whose Salaries, Pensions, Pay, Fees, and Emoluments, exceeded, for the year ended the 5th of January, 1843, ONE THOUSAND POUNDS.

No. of Officers.	Description.	Total Emoluments.	Average Income.
252	Civil Officers . . .	£469,950 . .	£1,865
164	Judicial Officers . . .	419,837 . .	2,559
74	Diplomatic and Consular .	178,540 . .	2,410
35	Naval Officers . . .	44,166 . .	1,261
158	Military Officers . . .	322,961 . .	2,045
30	Ordnance Officers . . .	30,170 . .	1,005
118	Colonial Officers . . .	201,340 . .	1,706
10	Officers of House of Commons	21,407 . .	2,140

The Parliamentary Return from which the above is deduced was moved for by Mr. Williams, the member for Coventry. In 1830, Sir James Graham had moved

for a similar return of officers, receiving incomes from the public exceeding 1,000*l.* In 1830, the number of persons returned was 956, whose aggregate receipts amounted to 2,161,927*l.*, showing an average income of 2,261*l.* each. In 1843, the number returned was 841; their aggregate receipts 1,688,371*l.*, and their average income 2,008*l.* So that in the interval there had been a diminution both in the number and emoluments of the highest and best-paid class of public functionaries.

Of the different classes of public servants, lawyers appear to derive the largest revenues, the average emoluments of judicials, from salaries, pensions, &c., exceeding those of any other class. Civilians of all classes are better remunerated than the military; and officers of the army are more favoured than those of the navy. The worst paid are *employés* in the Ordnance; this branch of service requiring men of science and application, is not sought after by the great families; and hence appears the working of our aristocratical Government, the most meritorious and arduous duty being rewarded by the fewest number and least valuable prizes.

Oxford and Cambridge Universities.

Exclusive Character of the National Universities—Reform of them—Unavoidable and a necessary Sequel to the Repeal of the Test and Corporation Acts, and of Roman Catholic Disabilities—New Irish Colleges and Inconsistencies of the Peel Ministry—Present Government of Oxford and Cambridge—Tutorial and Professorial System—Statutes of the Universities—Examination Statute of 1800 ; its Tendencies in excluding the Progressive Sciences—Elementary and inadequate character of an Oxford or Cambridge Education—Dissipation and Expenses of the Students—Contrast of English with German Universities—Incomes of the Fellowships, and total Revenues of the Colleges—Trinity College, Dublin—Statistics of Oxford and Cambridge.

It is only reckless warfare attempting to defend minor bulwarks, after the citadel has been lost which commands them. Such pertinacious resistance is not likely to have any useful or successful result; it can only exasperate the enemy, insuring either the entire destruction of the defenders, or rendering more onerous the terms of an inevitable capitulation. In such a crisis the wisest policy is to parley, to trust to the generosity of the victors, and obtain the best conditions possible, by a confiding and prompt submission.

For a lengthened period the House of Commons formed the citadel and stronghold of Conservatism. As long as this keep of the Boroughmongers remained impregnable, lesser outworks were safe; but parliamentary reform altered the relations of the contending parties: it uncovered the defences of corruption, and gave the people that advantage of position by which they became all but irresistible. That which most persons foresaw, and which, in truth, formed the fruits of victory, came to pass. The handle to the axe had been obtained, and the forest of obstructions, by

which social progress had long been impeded, began to be levelled. The clearance is not altogether completed, but great advances have been made; and there are few public institutions in Church or State that have not been wholly or in part renovated. Those that remain are not likely to escape the fate of their predecessors. Resistance under the existing responsibilities of power has become hopeless. Concealment, which used to form the greatest shield of public abuses, is no longer tolerated, and rarely attempted; and with a tolerably clear stage for exposition and denouncement in Parliament and the Press, the course onward is encouraging, and little dubious in termination.

One of the widest ranges of unreformed abuses is in the exististing state of the old Academical Institutions of the country. Remains of these magnificent endowments are found in all the three kingdoms. They are among the most ancient of the nation's monuments, may justly claim a virtuous origin, and are connected with many interesting associations; but they have ceased to harmonize with existing exigencies. Like the decayed boroughs and municipal corporations of the empire, they belong to a former world of social existence. It is with the obsolete crudities of the past, not with the improvements of the present, that they are most in keeping. They pertain to the age of feudal domination, of Church ascendancy and superstition, or legal and judicial barbarisms. With the empty titles and distinctions of rank—with the learning of what in *humour* is termed the *learned* professions—their absurdities of costume and customs—they match well enough; but with the science and applicable knowledge of the passing time, they are in a deplorable state of incongruity and repulsiveness.

One of the first and most obvious inconsistencies in the constitution of the Universities, is their monopolizing character; and which is certainly not the principle on which any of them was established. They were all founded in a catholic, not a sectarian spirit, and meant for the universal, not partial benefit of their respective communities. But at present they are all in different degrees exclusive in their administration. At Oxford and Cambridge the thirty-nine Articles form the stumbling-block to admissions. It is true that the latter University has been so far opened as to permit dissenters to be educated there, but they cannot graduate, and are thus denied the honours and advantages of academical degrees. It is the same at Trinity College, Dublin. This University was undoubtedly intended, by its founder, for the general advancement of learning among the Irish nation, but Roman Catholics, who, in reality constitute the nation, are excluded from its most seductive benefits; and it has chiefly become a nursery for training and rewarding the rich clergy of a church of a minority of the people. In Scotland there is somewhat more liberality; but there too are *tests* in all the Scottish Universities, with the exception of that of Edinburgh. The Professors are required to sign the *Confession of Faith*; and an eminent man of science (Sir David Brewster) was lately excluded from a chair at Aberdeen for refusing to subscribe.

Now, it appears monstrously absurd longer to tolerate these educational obstructions in the national Universities, after reflecting on the recent tenour of public legislation. Many years have elapsed since Dissenters were relieved by the repeal of the Test and Corporations Act. It is almost twenty years since Roman Catholics got rid of their religious disabilities, and a bill has passed,

or is in progress, for the emancipation of the Jews. After these concessions of both principle and usages, it seems utterly puerile to hesitate about throwing open educational foundations. After evincing commiseration on the exclusion of adults from equal rights and privileges, why not show sympathy for invidious distinctions among the youth of the empire? If greater latitude has been awarded to the indulgence of religious sentiment, why not to the pursuit of knowledge, and the professors who would communicate it?

That tests are not an inseparable adjunct to academical instruction patronised by the State, the principles on which the new Irish colleges have been founded are proof. In the establishment of these seminaries the late Peel Ministry repudiated all tests; they rejected even a simple declaration of belief in the truths of Christianity, and bore manfully against the calumnious imputation of sending forth into the world a "Godless scheme of education," rather than that institutions meant for the general good of the community should be restricted in their usefulness. On this occasion a stand was made against the sectarian or selfish clamour of every religious denomination. But how inconsistent is the course of statesmen! Strange to relate, the very same Ministers who, with so much credit to themselves, had opposed the introduction of tests into the Irish universities, resisted, in the same session of Parliament, and in almost the same week or month of the session, the abolition of tests in the Scottish universities.* This was blowing hot and cold with a vengeance. It differed from the story of the two knights who quarrelled about the white and

* House of Commons, July 9th, 1845.

black side of the cross—Ministers, as Lord John Russell remarked, painting white black one day, and next black white.

It is high time, however, that the Government abandoned such inconsistencies, and adopted a sound and enlightened principle of academical legislation. The country is manifestly degenerating into a jealous and narrow spirit of sectarianism, inimical to internal peace, and the general strength and prosperity of the kingdom. The disruption of the Established Church of Scotland affords a signal instance of the extravagances into which men will rush, on the merest trifles supposed to have a religious import. The English dissenters have recently evinced symptoms of a like restless fastidiousness. As a body, it may be doubted whether they were ever heartily in favour of the repeal of Catholic disabilities, and the howl they raised against the additional grant to Maynooth College is demonstrative of the utter absence of general toleration among them. At present they would almost appear to have exchanged places, with that which was the opprobrium of the Established Church almost fifty years past, and taken up a position hostile to any interference by the State in the education of the people. Upon this vital question Government has always been placed in a perplexing fix: the Church refusing to co-operate in a scheme of purely secular instruction, and the Dissenters in any plan in which Churchism was included. So that, between the two, the State was left with no option but to limit its co-operation to bricks and mortar, by affording a contribution to both sides for the erection of school-houses. The present effort by the Council of Education to stretch beyond these narrow bounds,—to establish an inspection of schools, for the erection and maintenance of

which public money had been advanced ; to raise up a better trained and better paid class of teachers ; hold out rewards for those who evinced superior zeal and ability in their vocation ; and make a small provision for such as are worn out in the discharge of their wearisome duties—all the most moderate, reasonable, and indispensable amendments imaginable, has given rise to a fresh and unaccountable stir in the religious world. Whether this outbreak of fanatical vapour will condense into another puritanical rebellion, or spend itself, which is most likely, in some frenzied and extravagant outpourings in Exeter Hall in the current Spring meetings, remains to be seen.

One lesson, however, may be derived from the commotion. It is manifest that the time has arrived when the State should cease to be spiritual, and become wholly secular in its public policy. The voluntary system of education appears to have failed, to be miserably deficient both in quantity and quality, to be mere show and make-believe ; and new and more efficient methods have become requisite, if any thing in the way of popular instruction is really meant to be effected. For these purposes the Lansdowne Minutes appear to have been judiciously and cautiously framed. They may be too religious in their tenour, as Lord Morpeth has remarked, but we can discern no signs of a proselytising spirit in them, nor any trace of danger either to civil or religious freedom. But harmless and innoxious as they are, they have been made a pretext for a very silly and causeless agitation, and which shews clearly enough, that any, even the semblance of religious interference by the State, without the reality, may be sufficient to mar, if it do not frustrate, the wisest plans for the public benefit. This obstruction arises not only from the

religious divisions of the community, but their approximate equality in social weight and influence. There is a balance of power among sects and denominations, established and non-established, which makes each view with jealousy and watchfulness any public measure likely to give the turn of the scale, or alter the relative disposition of their forces. Of the four great divisions of the island, into Episcopalians, Presbyterians, Independents, and Methodists, each, from numbers, wealth, and organization, is powerful enough to form and maintain a national church of itself. Except with the first, the Government has no direct control over any of them, either by connexion or endowment: under the guidance of a General Assembly, Annual Conference, or Congregational Union, they form so many organized masses or federative bodies, with which Ministers can only act in concert, never with the independence of imperial sovereignty. Hence the haughtiness and untractableness of all of them, the menace of resistance, of severance, or almost rebellion, on the least show of partiality or interference. Amidst such powerful and self-subsisting divisions, the State, with ease and safety to itself, can only act a neutral part—have nothing to do with any of them—withdraw entirely from the spiritual arena, and be wholly intent on temporal objects; secular in its office and occupations. It may occasionally act as umpire, if appealed to, or as constable for the maintenance of the public peace among them; but ought carefully to eschew the church government notions, catechisms, liturgies, and theology, of all of them.

Adopting this principle, which appears to be rendered almost imperative by the existing conflict and equipoise of religious sentiment, nothing would, in our opinion, so convincingly establish an impression of impartiality

on the part of the Government, and the absence of all favour or affection, as throwing open the Universities, without distinction of sect or creed, not only in respect of degrees but of fellowships and offices, accompanied by a thorough reform in their educational routine, both at Oxford and Cambridge. It is to this subject and its expediency that we shall now address ourselves, by bringing together the details elucidatory of the past history, existing state, constitution, and administration of these great national foundations.

II.—PRIVILEGES OF THE UNIVERSITIES.

The right of the State to interfere with the Universities, which appears to be the first consideration, may be readily and satisfactorily deduced. Both Oxford and Cambridge receive the public money, are partly paid and maintained out of the taxes. With public pay, public inspection and interference are correlative. This principle is the basis of the new Minutes of Education, and is strictly applicable to University reform. The pay-master is the real master all the world over; pay creates the property, and of course gives the property right to the owner of improving or newly disposing of his possession. On the general principle, therefore, nothing more need be said, and we shall proceed to enumerate the sums yearly expended or remitted by the State in respect of the Universities.

The ancient endowments of the Universities may with some show of reason be considered of the nature of private possessions, restricted in their uses by the original settlement; but no private rights can pertain to annuities and allowances paid for stipulated services out of the public revenue. Of these, the sum of 2,006*l.* is annually voted by Parliament to thirteen

professors in the Universities, some of whom, according to the system now prevailing at Oxford and Cambridge, are only sinecurists, having no class to lecture to, and hardly one of whom can obtain any pupils. Like the Gresham endowment in the City of London, the most certain audience is the mute walls and benches of the lecture room. Next there is a charge on the land revenue of the Crown for ten other professors, certain fellows of colleges, and other purposes, 300*l.* Most of these endowments are of obscure and dubious origin. They never appear to have been made in virtue of any specific grant from the Crown, but, in the first instance, to have been gratuities given annually or occasionally to maintain professors for reading courses of lectures.* In addition, are Henry VIII's endowments, of six chairs of professors at 40*l.* a-year each, and the Lord Chancellor's professors of Arabic at 100*l.* each, making 100*l.* per annum. Besides which, are eight canonries, or benefices, and one mastership of an hospital, annexed to professorships. There is an annual payment of 1,000*l.* charged on the revenue of Stamps and Duties. The origin of this annuity is curious. The Universities claimed the exclusive right of printing almanacs, as a grant from the Crown, and which they sold to the Stationers' Company for 1,000*l.* a-year. The Court of Common Pleas determined, in 1795, that the Crown had no right to confer any exclusive privilege, and the almanac monopoly was abolished. The Stationers' Company in consequence refused to pay the 1,000*l.*, but the loss was compensated to the Universities by Parliament imposing an additional duty on the sale of almanacs, out of the proceeds of which the

* Parliamentary Paper, No. 195, Sess. 1845.

1,000*l.* continued to be paid. This extra duty has been abolished, but the Universities continue to draw their annuity.

Other advantages and privileges have been conceded. The Universities share with the Queen's printer the monopoly of printing the English Bibles, Prayer-books, and Psalm-books. These, according to a return made in 1815 for the preceding seven years, produced them at the rate of 25 per cent. (booksellers' profit) 13,000*l.* per annum out of the Bible monopoly. Moreover, the Universities pay no duty on the paper they use in printing Bibles, Prayer-books, &c. or books in the Latin, Greek, Oriental, or northern languages. The amount of the duty on paper so used remitted during the last ten years to Oxford was 37,345*l.*, and to Cambridge 22,348*l.*; making an annual average of 3,745*l.* for Oxford, and 2,348*l.* for Cambridge. They have another advantage in the copyright of works. By the Copyright Act, the author's sole right of printing his works and of profiting by the creation of his brain, is limited to a term of years; but the Legislature has given to the Universities a perpetual copyright in every book they publish. Further, the Universities of Oxford and Cambridge with all their colleges are exempted from the operation of the stamp duty, while no such exemption is extended to the University of London. Oxford and Cambridge also enjoy valuable privileges in connexion with the three learned professions. With respect to Medicine, they have the right of conferring the privilege of practising in every part of England, except in London and its vicinity. With respect to Law, their degrees confer the exclusive right of practising in the Ecclesiastical and Civil Courts; and a bachelor's degree lessens by two years the re-

quisite term of clerkship to qualify any solicitor or attorney to practise in the courts of common law and equity. With respect to the Church, a degree at Oxford or Cambridge has been, until lately, necessary for ordination; but qualification for holy orders may be now obtained from Durham University, St. Bees College, or the Welsh College of Lampeter. The Universities and their colleges hold numerous church preferments. Cambridge University and its colleges hold 305 livings, yielding a net annual value of 113,000*l.*; and Oxford University and its colleges possess 447 livings, which, estimated on the same average amount as those of Cambridge, produce an annual value of 173,000*l.*

With so many privileges and public concessions, little doubt can be entertained of the right of the State to overhaul and control the management of Oxford and Cambridge. The Scottish Universities, as well as the English, share in the national bounty. The annual Parliamentary grant to these seminaries for the year 1846, amounted to 7,380*l.* In 1827, a commission was appointed to inquire into the state of the Scottish Universities, and the preamble of the commission set forth that it was necessary the Universities should be provided with "good laws, statutes, and ordinances," for their regular government; and with this view it was the undoubted right of the Crown to institute inquiries pertaining thereto. There can be no impropriety in exercising the right here asserted, and following out the laudable precedent in respect of the English Universities. What the "good laws, statutes, and ordinances," of Oxford and Cambridge are, we shall inquire, after first adverting to their government and legislative administration.

III.—GOVERNMENT, LEGISLATION, AND STATUTES.

It is a fact, that the origin of nearly all the old academical institutions of England belongs to the times of Popery, mostly the dark ages of the Pontifical domination. The great colleges of Eton and Winchester pertain to this era. Almost the entire of the colleges of Oxford University were founded between the thirteenth and fifteenth centuries. Of the seventeen colleges of Cambridge, sixteen were founded between A.D. 1257 and A.D. 1598. Most of the founders were churchmen, many of them Roman Catholic prelates, and which accounts for the present monastic and clerical character of their institutes and government.

The University of Cambridge has been described as a little kingdom of itself, but its general constitution is more federative than monarchical. Each of the seventeen colleges, of which the University consists, has its own peculiar laws and discipline, its private examinations and prizes, which are distinct from the University discipline, examinations, and prizes. Each college, too, has its separate head, who is despotic, whether styled Master, Provost, or President. In the great house of Trinity, the master has a privy council of eight senior fellows; but as he himself has eight votes, it would be bad management if he could not feed one into constant obedience. Thus a minority of two voters, can overrule a majority of seven !

The government of the University emanates from a union of all the Colleges, and the government is this:—
1. There is a Chancellor of the University, the head of the whole body. The office is biennial, or for two

years; or as long as the tacit consent of the University shall allow. The Chancellorship, from being an efficient office, held by some active resident head of a College, has gradually passed, in both Universities, into little more than a mere popular distinction, bestowed on some eminent peer, or member of the royal family, and retained by him until death or resignation. The present Chancellor of Oxford is the Duke of Wellington; of Cambridge, Prince Albert; both as well qualified to give dignity to the name of Chancellor, as unlikely to take upon themselves the actual performance of the *bona fide* duties of efficient supreme governors of the Universities.

These, however, are discharged by the Vice-Chancellor, to whom all the authority of the Chancellor is fully delegated. The Vice-Chancellor is always Head or Master of one of the Colleges, and has large powers, as far as his jurisdiction extends. His office is annual, and in Cambridge by the election of the Senate. They have, however, established a cycle of election, and by courtesy they adhere to it; so that it is known beforehand who the Vice-Chancellor will be.

The Caput of Cambridge, or Privy Council of the University, is a body of five, consisting of a Doctor of Law, a Doctor of Divinity, and a Doctor of Physic, together with a Regent, and a Non-regent Master of Arts. The Vice-Chancellor is president. The election of the Caput is annual; the Vice-Chancellor names five persons, the two Proctors five each, and out of these fifteen names the masters of the Colleges, the doctors, and senators choose five to form the Caput for the year. The Vice-Chancellor's list is by courtesy attended to. No act of the Senate can pass, unless *approved by every member of the Caput*. Hence any one of the five

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can pass a veto on any proposed emendation or reform of the laws; and hence, as Mr. Beverley remarked, there is an insuperable barrier to such a reform as can be of any avail. These five Conservative legislators have each an extinguisher for any spark of improvement that may be discovered in the rotten tinder of the University. Nothing but an Act of Parliament can break the neck of such an oligarchy, and if reform must come, it must be from without.

The Senate is the parliament of the University. Every Doctor and every Master of Arts has a vote in the Senate. They have a distinction about Regents and Non-regents, a Lower and Upper House, but this distinction consists in little more than a change of robes, and the colour of the silks.

For the consummation of any proposed law, it has to pass the Senate, and to be approved of by the Caput. It must be approved both by Regents and Non-regents, and if the decree be confirmed in a second meeting of the Senate, it becomes a law or statute of the University. The executive government of Cambridge is, therefore, an absolute monarchy; its legislative a close oligarchy.

The rest of the authorities are ministerial officers. The two Proctors are elected annually by the Senate, and are the police-magistrates of the University. Their principal business is, to clear the stews of the Undergraduates, to punish them for immorality, to repress riots in the streets, and to impose punishments on those who are discovered not wearing their college robes. They go out with a posse of constables every night, and rarely come home without capturing some offender. They have power to send any woman *suspected of incontinence* to jail, to place such on the treadmill, or to other hard labour, as they think fit.

There are other officers, Taxors, Marshalls Scrutators, Public Orators, High-Stewards, Moderators, Bedells, &c., whose duties are sufficiently indicated by the names. They help to swell the pomp of the Senate-house, and take their part in the elaborate ceremonies and never-ending ritual of the University. For in fact there is a perpetual round of mummary acting at the Universities, as there is within the precincts of the Vatican and St. Peter's Cathedral at Rome. The University bell is ever announcing some solemn farce to be duly performed, either at the parliament-house or the Vice-Chancellor's lodge, and the processions of the grand officers of the University through the streets are as frequent as those of the host or other Popish show in a Catholic country.

Thus much for the government, legislation, and officers of the Universities. Let us next advert to the state of those who pursue their studies there, and who, in University language, are *in statu pupillari*. Every young man who wishes to take a degree must be a member of some College, and must be under its laws and government, as well as under the laws and government of the University, all the three years of his residence. But the students are generally too numerous to be contained within any of the College walls, though the collegiate edifices have been greatly increased in size of late years. Hence a large proportion of the stewards are placed in lodgings all over the town. The lodging-house keepers are under the absolute control of the Vice-Chancellor and his Court, and occasionally feel the weight of his power, to their total ruin. It is, however, indispensable that there should be a compressing force to control the vast mass of unruly material within his dominion. Whether residence in a College or a lodging-house

is most favourable to good morals and conduct appears uncertain. Mr. Beverley, who was a student at Cambridge, says,—“The colleges are nests of licentiousness, and all their laws of inhibition are mere words. The means of escape are notorious, in spite of ponderous Gothic gates and bolts. If a lodging-house keeper is honest, though he cannot keep the undergraduate in the house, yet he may certainly know when he leaves it, and will report him accordingly. A regular profligate would greatly prefer the college to a lodging in the town, unless the lodging-house keeper were one of those vile characters who, unfortunately, are to be found everywhere, and who will consent to anything for money.”* It is the laxity of discipline in the lodging-houses and colleges, aided by the lavish allowances of parents, that have chiefly contributed to the dissipation and educational expense of the Universities. The subject will be resumed; at present, let us notice another class of residents.

The colleges were doubtless intended by the founders to be consecrated to the advancement of learning and piety. Attached to each of them are a number of inmates, whose lives were modelled on the fashion of the monks of the Middle Ages. Celibacy was enjoined to them, and that they might devote themselves undisturbed by worldly cares to mental and spiritual objects, ample revenues were left for their personal maintenance. These provisions constituted the Fellowships of the Universities, most of which are very valuable. Trinity College has a master and sixty fellows; St. John, a master and fifty-three fellows. The total number of fellows at Oxford is 557; at Cambridge

* Letter on the State of the University of Cambridge.

431. They are all, we believe, within determinate periods (the terms varying in different colleges), after commencing master of arts, required to take priests' orders; all the colleges being founded more or less on the principle of sacerdotal fellowship. This part of the system is important to Dissenters, who, with reason, complain that they are excluded from the national education. Supposing the existing barrier of subscription was removed, it would only admit them to the vain and empty honour of taking degrees, the solid and substantive reward of fellowships would be out of their reach, by reason of the obligation to be in holy orders. It follows that no concession by the Senate would be sufficient; it would require a cancelling of charters and entire new disposition of the University property by Act of Parliament.

Leaving the personality, let us come to the legal institutes of the Universities. They have laws and statutes for their government, but like those of the kingdom at large, they are in a state of great obscurity, perplexity, and inaccessibility. Some of them, like parts of the common law, are of a date so remote, that the memory of man runneth not to the contrary; many are obsolete, and most of them suitable only to habits of life and a condition of society that have long since disappeared. Their defects have been sought to be supplied by a kind of judicial legislation on the spur of the occasion, and new practices have been introduced and recognized as part of the academic system, without the stamp and seal of statutes to give them legal validity. No disturbance, however, is given to the old laws, which are allowed to slumber on the Statute-book long after the observance of them has ceased. Thus it happens, that while the old statutes, prohibiting

students from falconry, hunting, and the like; from wearing any garments but those of a dark colour; from indulging in the luxury of boots; from appearing in the town or country without their academical costume; from leaving their bed-chambers, or being absent from them after nine o'clock in the evening, still continue to be printed in the Statute-book, for the amusement or derision of freshmen, new methods of conferring degrees and other matters of not less importance are introduced without a single intimation appearing in the Roll of the Laws of the University to warrant the belief that such innovations have the sanction of competent authority.

The practical rule appears to be, to observe as many of the statutes as is convenient or profitable, and be oblivious of the rest; or supply their deficiencies by liberal interpretations, or new regulations. But the non-repeal of the dead laws of the Universities is occasionally attended with some inconveniences, as well as the non-repeal of the obsolete statutes of the realm. They are liable to be suddenly revived by curious or eccentric persons, desirous either of teasing the authorities, or of testing their validity. We will mention an instance. By the existing statutes of Oxford University, every undergraduate is bound to wear a cauliflower wig when resident within its precincts. The statute, of course, has long been disregarded; but the late Lord Lyttleton, when an undergraduate, took a fancy to restore it to life, and appeared in High Street in a cauliflower wig. Presently the proctor approached him, to inquire what he meant by wearing so grotesque a dress? "Do you mean my peruke, Sir?" he replied, with an apparent incredulity; and, producing the statutes, which he had concealed under his gown, pointed out to the astonished and discomfited proctor the statute which enjoined it.

Another illustration may be given, which is more serious, pertaining to theology, not costume. In 1836, the Crown nominated in the undoubted exercise of its legitimate authority Dr. Hampden, to be the Regius Professor of Divinity. Oxford was up in arms at the latitudinarian appointment. One Head of a College, since made a bishop, went so far as to announce that he would give no testimonials to those who attended Dr. Hampden's lectures: the bishops, however, declared that they would ordain no one who had not, and this dignitary was therefore obliged to give way. But this was not all: Dr. Pusey raked up an old statute, long obsolete and forgotten, and under that statute succeeded in getting the Board of Heresy reconstituted. By this Board an exclusion was passed against the Regius Professor. A few years afterwards the resuscitated and reconstituted Board of Heresy turned round on its reviver, sat in judgment on a sermon of Dr. Pusey, and pronounced that sermon heretical. Dr. Pusey might have been fined or imprisoned, but the Board was content with prohibiting him from preaching for two years; and we wonder whether the Tractarian Doctor continued, during these two years, to receive the income of his canonry! But though prevented from preaching in the University, he was not debarred from preaching elsewhere, and it is a matter of notoriety that during his suspension, this proscribed heretic had the free range of the diocese of Exeter. In the case of Mr. M'Mullen, his exercise for his degree in divinity was pronounced by Dr. Hampden to be heretical,—himself the heretical Regius Professor of Divinity! But Mr. M'Mullen still remained the heretical Fellow of an orthodox College. In 1845 the great performer was Mr. Ward: this gentleman had been degraded from his

degree; but though he declared he subscribed the Articles in a non-natural sense, he is still a clergyman of the Church of England.

These examples may suffice to elucidate the application of the statutes, the happy agreement subsisting among the Heads of the Universities and the Heads of the Church, and the success of subscription-tests in producing peace and uniformity in ecclesiastical government and discipline. Were a parliamentary commission appointed, with full power to enquire into all the the charters and muniments of the Universities, and also, as an explanatory comment upon them, into the *practices* of the Colleges, there seems little doubt that every House would be found to have so trampled under foot the ordinances of the founders, as to give an ample plea in equity that a decree of forfeiture of their possessions should be pronounced against all of them. One signal proof may be given of perversion of revenues, in the management of the gorgeous endowments of King's College. This House was founded by Henry VI., and consists of a Provost, and seventy Fellows and scholars, who are supplied by election from Eton College. Eton College is the nursery of King's College, Cambridge. Now the statutes of this foundation declare that it is for the benefit of "the poor and indigent;"—*pauperes et indigentes*: whereas the wealthy sons of the wealthy Fellows of Eton are commonly elected into it, to the injury of those for whom King's College was founded. The lists of Fellowships for the last fifty years prove how strongly the current of elections has turned in favour of certain names and families, and how much less the poor and indigent have been nourished in this stately monument of jobs, than, by right, they might demand.

"The enormous revenues of King's College," Mr. Beverley remarks, "may be seen by all men in that beautiful pile of palaces which the seventy monks have lately constructed for themselves; and surely, if ever Gothic grandeur was thrown away, it is on this fraternity, who fatten ingloriously in Gothic apartments; who take degrees by a particular charter, without examination; who are privileged to be ignorant, and nurtured to be useless; who, having acted the log in the College, are elected off to act the stork in the College livings; and who, if they were all swept away to-morrow morning into the Red Sea, would be missed nowhere but in their own halls and butteries, and be as little lamented as the unhoused friars and Jesuits of liberated France."

IV.—PROFESSORIAL AND TUTORIAL SYSTEMS.

The tutorial system that has been introduced into the Universities, is inconsistent with the ordinances of the founders. According to the rules, Professors are obliged to give lectures, and attendance on them is enforced by the statutes; but they now form no essential part of the routine of University education, which is carried on by College tutors and private tutors, who are unknown to the statutes. These encroachments of the Collegiate bodies has lowered the standard of general education. While the University was paramount, it amplified the means of instruction in accommodation to the great ends which a University proposes; but the Colleges limit the ends which the University attempts, to the capacity of the inferior instruments which the intrusive system employs. The one afforded education in all the sciences; the other pro-

fesses to furnish only elementary tuition in the lowest. "In the superseded system," Sir William Hamilton remarks, "the degrees in all the faculties were solemn testimonials that the graduate had accomplished a regular course of study in the public schools of the University, and approved his competence by exercise and examination; and on these degrees, only as such testimonials, and solely for the public good, were there bestowed by the civil legislature great and exclusive privileges in the Church, in the Courts of Law, and in the practice of medicine. In the superseding system, degrees in all the faculties, except the lowest department of the lowest, certify neither a course of academical study, nor any ascertained proficiency in the graduate; and these now nominal distinctions retain their privileges to the public detriment, and for the benefit only of those by whom they have been deprived of their significance." The revolution which has been wrought has, in fact, been the application of the monitorial system, which has failed, of the Bell and Lancaster schools; the taught have themselves become the teachers, and inoculate the students with a few limited and marketable acquirements, instead of laying a solid foundation for general instruction.

The Professors do not appear to blame for these innovations. Lecturing may be a dull and inefficient mode of communicating knowledge to young persons, but, without lacking zeal or ability, they seem to have done all their duties required of them. Their failure has certainly not resulted from over-pay, for there is no lavish expenditure of money upon these gentlemen. The majority of them are working, or ready to work, for a consideration which would be scorned by a barrister's clerk or a commercial traveller. Many of the

official stipends are below 100*l.*; very few are above 300*l.*, inclusive of students' fees. The two great prizes are the Divinity Professorships at Cambridge, the original emoluments of which were augmented by the theological partialities of King James to a respectable sum. But even when these are thrown into the heap, the average dividend remains exceedingly small.

The remarkable point of the case, then, is not redundant pay. It is the extraordinary abandonment to which the tutorial system has reduced the Professorships. In the two Universities reside from 1,500 to 2,000 students. For the instruction, edification, or entertainment of these four thousand scholars, lectures are provided on twenty different subjects, by fifty different Professors. But even this intellectual spread is laid in vain. There are no guests at the table, the invitations are refused, and the baked meats are spoiled. With one or two exceptions, the Professors return their number of pupils, (*Parl. Paper*, No. 80, Sess. 1846,) as varying from five to five-and-twenty. Fifteen is a respectable number. Some have never collected an audience yet, and are still charged with the unimparted scientific accumulation of years. Others who have known better days have struggled on to the end, and have only ceased to lecture when the last man vanished. A few doomed spirits, says a clever expositor of this effete system, cannot even embrace or anticipate this mournful term of their labours. By a testamentary malediction of their founders they are condemned eternally to lecture—whether with an audience or without one—either to anybody or nobody;—the delivery of the lectures, either as sermons or soliloquies, must be formally attested, or the salary vanishes, and the place becomes void. A score or two of students in particular

faculties are similarly bound to certain attendances, and this reciprocal compulsion might be expected to generate one or two satisfactory assemblages. But, unhappily, the pieces do not dovetail with each other. The Professor who is bound to be listened to is not always the Professor who is bound to speak. A student may be driven to attend lectures which may never be delivered, and a lecturer to address an audience which may never be formed.

The report of the Cambridge Professors is the fuller of the two. Some record their destitution as concisely as possible. Others have a bitter satisfaction in stating their unmerited misfortunes. The venerable Professor of Modern History is evidently in the fittest state of mind of any. The tone of plaintive resignation which breathes through his statement is a pattern to all. He once had students—"eighty, say, or ninety." The "little-go" struck off one-fourth at a blow; "College examinations" decimated his narrowing circle: and "private tuition" soon scattered the remnant to the winds. The intrepid devotion with which these gentlemen have struggled against the ebbing tide is beyond all praise. A German Professor once reclaimed his truant class and outshone his rivals by advertising vivisection. The Cambridge corps have been equally energetic, but less fortunate. The Professor of Geology, without the fear of the statute *De Morum Modestid* before his eyes, announces his periodical excursion-trains, and leads his class from the livery-stables to the gravel-pits. The Professor of Botany proclaims a herborizing expedition, and musters his diminished force in heavy marching order, with sandwich-tins and beetle-boxes—

"Firm and slow-paced, a horrid front they form,
Still as the breeze, but dreadful as the storm."

The Professor of Chemistry used annually to kill a cat by an electric shock; but of late years the fees have been insufficient, and the solemn sacrifice is discontinued. The Professor of Experimental Philosophy is in the worst plight of all. At any other place the attraction of machinery is irresistible. The engine-room of a Margate steamer is choked up with enquiring heads; and an acting steam coffee-mill in the window will treble the customers of any grocer in Whitechapel. But Cambridge birds are not to be so caught. Low-pressure steam-engines and long-action pistons are exhibited in vain. The official income of years has been sunk in the apparatus; but the academical public disregards the awful sacrifice.

However anomalous this condition of things may appear, it is perfectly understood on the spot, where the matter has been recently discussed, with a spirit and copiousness unusual even in University pamphleteering. The private tutors, who have become the new favourites, defend themselves there on the prevalent doctrine of *open competition*. They have no protection to their trade, yet it increases, for the reason that every trade will increase. They supply the best article, and they get the most demand. A student takes a private tutor, because he finds that unless he does so, he is outstript by those who do. He pays him his price, because every year's experience shews him that it will best answer his purpose to do so. If he could have got what he wanted cheaper or nearer home, he would have saved himself the expense and trouble. He comes to the University not to select his study or extend his general knowledge, but gain honours and a fellowship. These

are the prizes, and which can only be won by proficiency in classical and mathematical learning. He therefore passes by the chemical and geological lecture-rooms, not because he slights the Professors or dislikes their subjects, but because "*they won't pay.*" As regards his main object, his attendance there would be merely a recreation. He cannot afford it; he might as well be in the boat-house or the cricket-field.

On such grounds the conduct of the students and of the private tutors seems natural and defensible. They act on the common motives and seductions which influence the world in general. Circumstances have opened a profitable vocation to the private tutor, and he follows it; and the student finding his tutorial aid most conducive to the only beneficial objects he can attain at the University, he avails himself of it. Still, if all the students were to employ private tutors, it would neutralise the individual benefit to each: being all alike crammed for the examination, they would be all alike forced up to the same level of competition for the rewards and distinctions of the University. On the other hand, if there are students so poor that they cannot afford the expense of a private tutor, why then the system operates unfairly, in placing them at a disadvantage.

This, however, is a mere crotchet in the main enquiry. Private tutors may be blameless, but not so the system that has called into existence their instrumentality. There can be no doubt that the Universities were not intended to be seminaries of elementary instructions, but foundations for the culture and diffusion of learning and science of the highest class. They are not frequented as primary schools; it is not juveniles who resort to the Universi-

ties, but mostly young men, between eighteen and twenty-two years of age, who seek them to finish a course of education commenced in the public schools or elsewhere. But this, the end and purport of their original endowment, has not been carried out; it has been annulled and set aside by recent innovations. Modern science is not cultivated at Oxford or Cambridge: only the learning of the ancients, and which it is not likely the founders of colleges intended should maintain educational ascendancy, if outstript by subsequent and more useful scientific acquisitions. Yet proficiency in the classics and mathematics continue to form the only attainments that lead to University distinctions and prizes, and of course they are the only kinds of knowledge sedulously cultivated by those who seek them. Political philosophy, modern history, astronomy, botany, geology, chemistry, and the other sciences that constitute the pride and boast of the present age, have been exiled, and a person who has won the highest honours of Oxford or Cambridge may have no greater mastery over them than an uninstructed peasant. Even the more recent Professorships, of Botany and Modern History, founded by George I. and George III., seem to have sunk under the existing course of academical examination. It forms a curious enquiry, how this retrograde system originated, and under what influence it continues to be maintained. It will be seen that it is no relic of Popery, but an infliction of Protestant times, introduced since the panic of the French revolution, when it was deemed most conservative to discourage the more progressive departments of human knowledge.

The two sources to which this revolution in academical tuition may be most distinctly traced, are, the ascend-

ancy of the sacerdotal class in the government of the Universities, and the statute of examination of 1800. The power of the Caput to veto any spark of improvement at Cambridge, has been already explained, and a similar extinguishing authority exists at Oxford. It was under Archbishop Laud that the heads of colleges were first raised to the rank of a public body, called the Hebdomadal Board, to whom the privilege was given of proposing new laws to the House of Convocation. To the latter, consisting of the Doctors and Masters of Arts, the supreme legislation was still left, but without the power of *initiating any new measures*: they might sanction laws, but could not originate any. The heads were by the constitution of the colleges, almost all ecclesiastics, chosen from among the fellows of their respective colleges. Hence the origin of priestly government — of its disabilities, and its compressing influence on University education.

From this period it was almost inevitable, that the predilections of men of one profession, and the interests of the collegiate bodies to which they belong, would give a class character to the academical system, and prevail over interests of a more general and national character. Soon after the Reformation, several new readerships and professorships were founded, and the teaching of the undergraduates came to be divided between certain Masters of Arts belonging to the colleges, and the Professors appointed by the Universities. The latter would have acquired an ascendancy, had they been supported by the Heads of Colleges, who were entrusted with the charge of watching over the statutes, and all scholastic improvements. But they neglected their duties—ceased to compel students to attend public lectures regularly; and they frequently

allowed some of the Professors to desist from lecturing altogether ; which many of them, from indolence, and from finding their audiences fall off, were disposed to do, especially as their instructions were given gratis. At a later period this arrangement was found defective ; that the Professors were negligent, and that the students undervalued what cost them nothing ; so that fees were permitted to be exacted. But in Oxford the Professors were supplanted in respect to these fees by the college tutors, to whom a large part of the business of education was thus gradually transferred. It did not, however, thrive under their direction ; academical discipline became lax, and the provision for education defective in the extreme. It was often difficult to find a college tutor competent to undertake the office, and there was occasionally only one or two of the resident fellows willing to undertake it. Instead of these important places being open to free and fair competition, they were mostly held by self-appointed teachers.

In this state matters appear to have continued till towards the end of the eighteenth century. Occasionally there were examinations, and a revival of studious habits in a particular college ; or some professor gave a popular course of lectures, and drew large audiences. But the general indolence of instructors and the dissipation of the students had become so flagrant, that a reform of some kind was imperatively forced on the governing body. Many plans were devised for carrying it into effect. As the annual or terminal examinations in several colleges had been found most useful in maintaining orderly habits among the young men, it was proposed to improve the public examinations, which had become a mere form, and to compel every one to pass them before obtaining his first degree.

Honours were to be awarded to those who distinguished themselves.

It was now evident that the form the new examination would take would determine the studies that would or would not be encouraged at Oxford. All those studies which could not lead to academical distinction would be proscribed: whatever science was omitted in the list selected for a trial of strength, would not merely be slighted, but expunged from the academical course. Academical honours were no empty bubble to struggle for, they might lead to rich fellowships, livings, bishoprics, and other solid advantages. "If the Heads of Houses and Members of Convocation," Mr. Lyell* remarks, "had simply been legislating for national objects, and had not been the representatives of private and collegiate interests, which were not always identical with those of the public, it would have been easy to devise a comprehensive scheme of examinations, consisting of several boards, to which the professors as well as tutors would have been appointed, in strict accordance with the spirit and even letter of the old statutes than the new law which was then enacted. But this might soon have entirely altered the relative positions in which the college tutors now stood to the public readers and professors. The latter would have acquired great consequence in convocations, and had such a measure been proposed by the Heb-

* The eminent Geologist. In his recent "Travels in North America," Mr. Lyell institutes an interesting inquiry into the relative state of the American and English Universities; and gives a lucid exposition of recent changes, and the present condition of Oxford, of which University he was a member, and to which valuable chapter of his work we have been much indebted.

domadal Board, it would probably have been lost. Accordingly, it was soon found that the new examination statute of 1800 was to be worked by the college tutors—young men for the most part, about thirty years of age; and such being the case, no one can deny that studies embracing the Greek and Roman writers on history, philosophy, poetry, logic, rhetoric, and ethics, besides Christian theology, was as extensive a range as was compatible with such an executive." All the more progressive branches of knowledge were necessarily excluded; for as these are modified every year, by new facts, discoveries, and investigations, the preceptor, to keep pace with them, must have leisure to devote his mind to one subject.

It is manifest, from this exposition, that the monopoly interests of the colleges fixed the present boundaries of University Education. The new statute, however, did not pass without a severe struggle. The Rector of Lincoln College, in particular, opposed it as a measure that would extinguish all "thirst of knowledge." "There would henceforward," he said, "be no University at all, but a system of *cramming* and partial teaching, after which the student would go out into the world with a *narrow mind and darker understanding*." All which has literally come to pass. But though the ends compassed by the new course of examination were trivial and useless in the extreme, it imposed severe duties on the students, and necessitated another revolution in collegiate instructors.

"As the business of education," says Mr. Lyell, "had previously passed from the public readers and professors to the college tutors, so the latter were now in no small degree superseded by the *private tutors* or '*crammers*.'" These were graduates chosen by the

young men themselves, at an expense of 40*l.* or 50*l.* a-year, to read with them in term-time and vacation, and prepare them for the examination. These young teachers watch the examinations, are acquainted with the style of the questions, whether *vivâ voce* or on paper, and often with the peculiar views of the examiner. It is their business to prevent their pupil from wasting his strength on topics not likely to be adverted to, and often to enable him to get by rote answers to certain interrogatories. The students are frequently unable to obtain this aid from the college tutor, whose system of lecturing is more general, and who cannot direct his attention to the individual wants and capacities of every pupil. The undergraduates, therefore, may be required to attend between ten and one o'clock the lectures of the college tutors. The next two hours (from one to three) are generally occupied by the private tutors, comprising that portion of the day during which the professors are by statute required to lecture. At three o'clock, it is high time for the young men to seek recreation and exercise, so that all the youths, especially the cleverest ones, are so entirely absorbed in a routine of study connected with the examinations, that the professional class-rooms must unavoidably be abandoned. Bachelors of Arts and other graduates had heretofore been in the habit of attending public lectures, but most of them now became engrossed with the *new and lucrative business of cramming*."

This is at Oxford, where Mr. Lyell was a student. A change of a like kind took place about the same time at Cambridge. There, according to Dr. Peacock, now Dean of Ely, and many years an eminent tutor at Trinity College, a large proportion of the students resort to private

tutors. These teachers, he remarks, are "young and inexperienced, and not competent to convey enlarged views" to their pupils. The labour imposed upon them is too absorbing and severe to allow of the simultaneous prosecution of original studies; and "this unhappy system," he continues, "has contributed more than any other cause, to the very general, and, in some respects, just complaints which have been made of late years, of the paucity of works of learning and research which had issued from the University of Cambridge."

There are two University examinations at Cambridge. When the student has kept four terms and is in his fifth, he undergoes his first examination in the Senate House; this is called the previous examination, or the "Little go;" and in it the undergraduate is examined in one of the four Gospels, or Acts of the Apostles in Greek, Paley's Evidences of Christianity, and one of the Greek and one of the Latin classics. The *next* examination is for a degree, and for which a previous residence of three years, at least, is requisite. The *minimum* knowledge required to take a degree is elicited by an examination in the first parts of algebra and arithmetic, and the first four books of Euclid. The highest honours are gained by examinations in every branch of mathematics, as at present understood. Classical honours are also awarded to those who seek them, and who have previously obtained a mathematical honour.

At Oxford, we believe, a like course of examination is followed, with a greater leaning to the classics. Ancient learning, not modern science, is the main scope of inquisition at both Universities, and the latter is only admitted in elucidation of the former; the Oxford statute of 1830 only permitting the "writings of the

moderns" to be referred to,—that "the philosophy of the *ancients* may be illustrated in the schools." So that Liebig or Lyell, Herschell or Faraday, may be called in aid to bolster up the authority of Aristotle, Thales, or Pythagoras, but not to supersede them.

The preceding offers as distinct a view as we have been able to deduce, of the late changes and present government and educational system of the national Universities. It only remains to submit a few general conclusions, and to collect the most striking and noticeable anomalies.

That which constantly fixes attention, is the predominance of ecclesiastical authority. A kind of theocracy governs at both Universities. All the directive power, both at Oxford and Cambridge, appears to be vested in clergymen, or, at least, in those who have taken theological degrees. Now, for a body of ecclesiastics to direct the course of modern science, is just as fit as it would be for the bench of Bishops to direct the course of legislation in the Imperial Parliament. It is in consequence of clerical ascendancy that the most original and applicable branches of knowledge are discouraged, and most of them have been banished from the Universities: The authorities act, apparently, on the brief reasoning of the Caliph who burnt the Alexandrine library:—"If the subjects," said he, "treated in this immense assemblage of volumes are not comprised in the Alcoran, they are worthless; if they be, they are superfluous. The Alcoran is all-sufficient for believers: apply the torch." It has happened, however, more fortunately in England; for while Cambridge and Oxford have withdrawn their countenance from studies connected with physical sci-

ence, the wants of advancing civilisation have afforded to them increasing patronage. It is felt that astronomy is indispensable to navigation, chemistry to agriculture and various arts, geology to mining, botany to medicine, and so of the rest.

The inferior class of studies patronised has opened the way for the *next* remarkable feature, namely, in the inferior preceptorial agency employed in the Universities. The private tutor holds the place of the monitor of the common schools of Bell and Lancaster. The taught has become the teacher. What the young graduate has superficially acquired, he superficially communicates; having just completed his own *curriculum*, he immediately sets up to sell his acquirements, and instruct the next comer in the parrot-like notes and apt dexterities which, at the least expense of time and trouble, may qualify him to be an equally successful competitor in the University lists.

Can this be a routine consistent with the foundation and aim of such princely endowments as those of Oxford and Cambridge? The educational machinery is not equal to that of the ordinary grammar-school, and inferior to that of many of the great public schools, with one or the other of which, it is probable, the student had been familiar, prior to his matriculation. In consequence, the student is not inducted to a higher standard of instruction: in lieu of being raised to a higher form by a residence at the University, he is reduced to a lower than that he may have occupied at Eton, Winchester, the Charterhouse, or Christ's Hospital. This retrograde movement in his school career is not compensated by the intervention of the college tutor; his duties are too general and absorbing to

enable him to supply the deficiencies of the private stipendiary.

The *third* feature of interest is the quality of University education. University degrees are no certificate of the general development of the faculties, or of modern scientific acquirements. Perhaps there are no two cities in the empire of equal size, in such a state of ignorance in intellectual matters of present use and concernment, as Oxford and Cambridge, and which have done so little to advance them. The Doctors and Masters of Arts may say it is not their business to inculcate the knowledge of common life; their vocation is higher. Very well; follow it. But they do not. Their academical legislation neither encourages the ordinary and useful, nor the abstract and transcendental departments of knowledge. The education they give is only fit for school-boys or pedants, Classics and mathematics are no doubt estimable studies, but they contribute only in a limited degree to the vast ocean of truths that are now expanding the human mind, and advancing the world, morally and physically, in its career of civilisation.

Oxford and Cambridge assume to be the nurseries for training the governing classes of the community. But few would urge that the Universities supply the requisite mental culture for the natural position and active duties of patrician life. The most entire mastery of ancient learning would not make an accomplished member of Parliament, magistrate, or even incumbent of any populous or intelligent parish. Julius Cæsar was doubtless accomplished in all the heathen learning which is the pride of the Universities, but he would have been very unfit to govern or legislate for a modern community. But if Oxford or Cambridge does not afford

the requisite training for patricians, where are they to go to finish their education? They must have a preparatory school somewhere, to qualify them for the discharge of what they esteem their inheritable rights to govern, unless they must continue, as it was foretold they would, (p. 289,) "to go out into the world with a narrow mind and darker understanding" than the rest of society.

This is, in truth, precisely what has happened, and completes the opprobrium of the University system. It has not even educated the higher classes; they have been educated by the people, and a constant drag on their progress. Civil, religious, and commercial freedom were long inculcated by the unendowed intellect of the country, but found no encouragement at Oxford or Cambridge. In addition to the discoveries of physical and mechanical science, political and moral philosophy, form the chief acquisitions of modern civilisation, and whether these shall be preserved and advanced, depends much on the question of University reform.

V.—REVENUES OF THE UNIVERSITIES.

The endowments of the Universities pertain both to Catholic and Protestant times. The advantages of knowledge have always been so apparent, that it is impossible to name any ascendancy, or fix on any period when it was not encouraged. In the darkest period of the Middle Ages were numerous seminaries of learning. Next to the Universities the principal were the cathedral schools, the leading object of which was to educate young men for the church, and the bishop of which was the chief if not the only teacher. There were also schools of science, especially of medicine, and of church music, and for the instruction of the monks in writing.

In the chief cities and towns were the illustrious schools in which youth were taught grammar, logic, and other branches of learning. William Fitz-Stephen, who lived in the reign of Henry II., says there were three of these illustrious schools firmly established in London; besides others that were occasionally opened by such masters as had obtained a high reputation for learning.

All these schools continued to flourish through the thirteenth century. The zeal for learning, according to Roger Bacon, had never been greater than at this period, and the throng of students to the most celebrated marts was immense. We may refuse to credit the old chroniclers who reckon the number at Oxford and elsewhere at ten, twenty, and thirty thousand; but it is certain that the schools were often so crowded together as to be exposed to great hardships, owing to the exorbitant price demanded for board and lodging, and which originated violent quarrels between them and the citizens. It was to obviate these broils that generous persons were induced to found houses for the gratuitous accommodation of both teachers and students. These steps succeeded so well, that the founding of colleges became the prevalent taste of the rich and benevolent in this age, as the founding of monasteries had been in an earlier period. In consequence, a great many noble colleges and halls were erected and endowed, in both Universities, between the middle of the thirteenth and the close of the fifteenth centuries.

The Reformation for a while embarrassed the progress of the Universities. The disruption of the Old Church of England caused dissensions in the seats of learning, and many students left who did not acquiesce in the new doctrines. The temper of Henry VIII. was so capricious and uncertain, and the policy of his

three immediate successors so contradictory, that it was difficult to know what was the religion by law established for the current year; still less to calculate what would be the statutable orthodoxy for the year ensuing. Reasonable fears were also entertained that, as the monastic property had been confiscated, the endowments of the Universities might not long be spared; so that literature and the church became precarious and uninviting pursuits. The halls, depending for support on the confluence of students, were mostly ruined. Land and houses fell in value in Oxford, which enabled the colleges to purchase considerable property from the impoverished citizens for a trifling sum. It was doubtless the foundation of a large portion of the present revenue of the University, and soon after, of renewed prosperity. Within half a century after the Reformation six new colleges had been established, some of which had been built on the sites of suppressed monasteries, or on land obtained in grants from the Crown, or purchased at an insignificant price. After this period only one college was founded, namely, in 1610, and three halls changed into colleges in 1610, 1702, and 1740. Cambridge experienced similar vicissitudes which it is not necessary to follow. All her colleges were founded between 1247 and 1598, with the exception of Downing, which was founded in 1800.

From this retrospect it is manifest, that the present riches of the Universities had their chief origin either in the munificence of the Papal times, or from accumulations made out of the spoils of the Reformation. As to any proprietary rights derived from the original endowments of the colleges, they no more pertain to the Church of England than to the Dissenters, or any other sect that has become separated from the ancien:

religion of the country. The question of origin, however, is not so important as the actual amount of the revenues of Oxford and Cambridge. In common with all ancient endowments they have been augmented in value by the extraordinary progress of the nation in wealth and productive industry. What the amount may be has never been officially communicated; but a very important statement on the subject was made at Newcastle, to the British Association for the Advancement of Science, by the Rev. H. L. Jones, M.A. and Fellow of Magdalen College, Oxford, and which we shall subjoin.

According to the statement of this gentleman, compiled from the most authentic private and public documents, the following is the amount and distribution of the Revenues of the two Universities:—

In OXFORD the heads of income were as follows:—

24 Heads of Colleges	£18,350
557 Fellows	116,560
393 Scholarships	6,030
199 College Offices	15,165
885 Benefices and Incumbencies	136,500
College Revenues	152,670
Rent of Rooms	11,730
Total	£457,005

In CAMBRIDGE there are —

17 Heads of Colleges	£12,650
431 Fellows	90,230
793 Scholarships	13,390
179 College Offices	17,750
252 Prizes	1,030
Rent of Rooms	15,680
College Revenues	133,268
	£283,998

Oxford	£283,998
Cambridge	457,005
Total	£741,003

This is doubtless a large revenue to be expended on the education of between three and four thousand young gentlemen, especially for the very imperfect education which is received at the Universities. If to this sum were added the extra expenses of the students, for private tutors, and from their lavish style of living, the total result would be staggering. The heads of colleges, fellows, and officials, having such ample means for ostentation and indulgence, it is not surprising that the example is sought to be followed by the students.

Neither can there be any wonder at the aristocracy kept up at the Universities. Excessive wealth always originates it; and the funds appear to be abundant, both at Oxford and Cambridge. The great distinctions assigned to mere birth and rank are the opprobrium of both places. In the University of Cambridge, a commoner is obliged to wait seven years before he can take the degree of Master of Arts; a nobleman, or nobleman's son, or person having royal blood in his veins, is allowed to take the same degree in less than three years, as if there were some patrician road to learning. One would think, as Mr. Christie observed in his able speech on University Reform,* that "these are the very persons who could best afford to devote a longer time to college education." They are certainly the persons whose education is most an object of national concern, being our hereditary legislators. In all the colleges of both Universities, invidious distinctions are accorded to rank, at table, and even at seats in the college and chapel. A nobleman also wears a silk gown, which on grand days he exchanges for one of

* House of Commons, April 10, 1845.

purple and gold; this fine gown, after being worn perhaps six or seven times, becomes a perquisite of his tutor, when he leaves college. On all occasions a nobleman, even in the college-chapel, takes precedence of the head of his college; and on receiving a honorary degree, he is greeted with a laudatory oration on the lustre of his ancestry. At one time the gentlemen-commoners were required to go to church only once of a Sunday, while all other undergraduates were required to go four times. The pride and meanness of Oxford—for both were requisite to its production—have originated a word in the language, namely, “tuft-hunting;” tuft being the collegiate distinction of the son of a baron. It is monstrous that such vain distinctions should be kept up in places consecrated, as the world supposes, to piety and learning. If there be any spot on earth in which the “learned pate” ought not to be permitted to “duck to the golden fool,” it is certainly in one set apart for education.

It has been remarked, that the stranger who visited Cambridge for a few hours, as many now do by railway, would be struck with the air of learning and religion that *seems*, at first sight, to give a graceful colouring to these ancient seats of wisdom. The college courts are of solemn and imposing architecture; some are very beautiful; and all look venerable, either from their real or well-imitated antiquity. The smoothness of the lawns, the close-shaven green, the secluded gardens, the old trees, the silent and sleepy Cam, the bells from a hundred towers, the costume of the students and the pomp of men in authority, the frequent summons to chapel and prayers, and the still more frequent summons to Hall and eating,

make a whole that takes the imagination back to monastic days, when all was "undisturbed wickedness and superstition;" when no Reform Bill had troubled the repose of priests or peers, and when Thomas Aquinas and the tithe-taker ruled undisputed in the intellects and purses of Englishmen. The Cambridge men look at hall-time in such sober earnest—so many young men are seen hastening through the streets at that time, with an evident anxiety to gain something that may be advantageous to them, that a stranger might admire the appearance, and bless the land where there was so wholesome a nurse of the rising generation. At chapel-time he might be struck, perhaps, with the novel appearance of three or four hundred youths, in white linen, prostrate in well-simulated devotion. He might admire the organ, the wax candles, the painted windows, the high altar, covered with cloth of gold, the large plates and flagons of gold, for the sacramental service, the sheeted chaunters, and all the varieties of hoods, copes, ruffs, rochets, scarfs, and caps, worn by the various graduates in their stations; he might be struck with surprise at the vastness of some of the libraries; and seeing hall, chapel, and library adorned with busts, statues, and pictures of the ancient sons of learning, might think he was at the fountain-head of wisdom and learning. This, however, would be a great mistake: a chapel is not a synonyme for religion, nor a library for science, and the cloisters are by no means exclusively devoted to pious or learned meditation.

Both Oxford and Cambridge are renowned for voluptuousness; not for hard study or hard fare. The resident Fellows and Tutors are very Sybarites in luxury, and which their large revenues render an almost natural

indulgence. The general bearing of the Dons, as they are termed, is in the Sardanapulus style, and sensual and effeminate in a high degree. "Their dinners and wine parties," says Mr. Beverley, "are frequent; their entertainments costly and superb. A tutor of a college, whose general habits would lead him to the side of economy, has told me, that, with the united profits of his fellowship and tutorship, he finds it difficult to keep out of debt at the end of the year. He assured me that no economy could save money, unless he should altogether renounce the intercourse of collegiate society, and live like a monk by himself." Let it, however, be remembered, that every one of these private entertainments is against the college statutes, and that the dormant law does not suppose that a Fellow can dine anywhere but at the public table; nevertheless, some of the Fellows always dine in their private apartments, or are not seen in Hall half-a-dozen times in the year. An inspection of the apartments of a Tutor or a Fellow would at once satisfy, that no slender purse must be required for the display of luxury that there offers itself. In some a costly apparatus of alabaster vases, representations of naked Graces, Venuses, Calipyges, sleeping Cupids, bathing nymphs, brisk satyrs, and all the hieroglyphs of the Lingam-Yoni, manifestly declare that these venerable hermits have not forgotten their classical theology."* With such inciting examples in preceptors, one cannot be surprised at the Galileo career of the pupils. Of these, too, Mr. Beverley has left some vivid reminiscences. The young men generally arrive with purses well replenished—say 200*l.* or 300*l.* to begin

* Letter to the Duke of Gloucester, p. 15.

with. This soon flies; but it is quickly discovered the tradespeople allow unlimited credit. "Books, the implements of the tea-table, wine, and I know not what *et ceteras* must be procured, according to the custom of the place. The tradespeople send in many articles, as a matter of course, of which the freshman can hardly guess the object. He meets his old schoolfellows, some freshmen like himself, some who have already been soaking in the stream of dissipation for three terms. Computations to keep up the spirits begin with as little delay as possible. *Recepto dulce furere est amico*. There is no parsimony here in wine and friendship. The confectioner supplies liberally for the wine-parties, charges immensely, and gives long credit. Pine-apples and preserved fruits of all sorts, and ices in varied columns, are of daily occurrence at these entertainments. The frivolous youths seem to vie with each other in the multiplicity of their wines. Champagne and claret are now considered almost indispensable; and a Thais in male attire occasionally adds a zest to the entertainment." As the system of the Universities has continued almost unchanged, though with many promises of amendment, this precocious licentiousness still rages, bearing its natural fruits of ruined health, morals, and unredeemable debts. Its chief causes are traceable to the corruptive example of superiors, lax collegiate discipline, and the extravagant allowances by the parents. The necessary expenses of the Universities are not exorbitant; even at Oxford, from 50*l.* to 100*l.* will cover the whole of them.*

*"The expenses of the commoners, as they appear on the books of the several colleges and halls, are found to vary from about 55*l.* per annum to about 104*l.*; the average annual rate of expense being in some colleges 65*l.*, in others,

The cardinal defects of the Universities, which we have endeavoured to set forth, may be summed up in the following brief enumeration:—1. The ecclesiastical constitution and government, both of the Universities themselves, and the several Colleges of which they consist. 2. The elementary and imperfect education they afford to those classes of society intended for the highest and most responsible stations of life. 3. Private tutorship, and the inferior agency by which the low standard of education adopted is communicated. 4. Preference given to ancient learning, and which, in truth, is nothing less than honouring and rewarding the civilization of the sixteenth, in place of the nineteenth century. 5. The maintenance of religious tests and disqualifications, after the abolition of them in the municipal and political administration of the empire. 6. And last, the perversion of vast endowments from the noble objects intended by the donors, namely, the reward and encouragement of national literature and science, to individual luxury and ostentation.

“By their fruits you shall know them.” What intellectual returns have the Universities to show, in return for the enormous revenues they have squandered during the last seventy or eighty years? Individuals

75*l.*, in others, 80*l.* These include, besides the expenses of the table (except grocery), tuition, room-rent, coals, dues to the University and the College, servants' wages, and in some cases washing and other items. Suppose the whole expense to be 73*l.*, and deduct for tuition 16 guineas, room-rent, 10*l.*, dues 3*l.*, servants, 4*l.*, then the expense of living will appear to be about 39*l.* for the academical year. But individuals are living at a still smaller expense, at little more than 30*l.* per annum, and this without being secluded from the general society of the College.”—Report of Committee presented to the Board of Heads of Houses and Proctors, March 6, 1846.

eminence may be doubtless cited, that have been educated at Oxford and Cambridge; classical divines and successful lawyers — prodigies their academical discipline is peculiarly calculated to force; but what have they done for the general advancement of science? John Herschell, Mr. Hallam, Professor Airey, Mr. Jewell, and other distinguished names on whom they are accustomed to rely for a character, we will venture to surmise were much more indebted to their own spontaneous exertions than to any help or encouragement they received from their *alma mater*. They were self-taught, as all great mental proficiency must be. But this forms not the essential part of the inquiry. It is not individual examples of genius — they spring from every class, and in every place, from the force of natural disposition and intellect; but the general influence of the Universities on the mind of the country, that constitutes the vital issue to be tried. What has been their success, and their efforts to give impulse, and exalt the standard of national civilization? It is this which forms their proper vocation; what rests are Nature's products. What new walks of thought, literature, or science have they opened and established? It is under this aspect that their poverty and weakness most appear. Nearly all that has given England a figure in intellectual progress, from the accession of George III., has emanated in far more vigour and strength from the Scottish than the English universities. Our most classical, if not most trustworthy historians, are from Scotland; the great exception. The philosophy of mind, of morals, of national economy — that national economy which on the eve of revolutionizing Europe, in their peaceful

relations—may be traced to the same source. The famous literary Journal, too, that has done so much to liberalize and enlighten the higher classes, whose spirit is now felt everywhere, is of like paternity. Neither Oxford nor Cambridge can pride itself in the production of any commanding periodical, nor even an encyclopædia of any leading, useful, or abiding character.

In truth, the Heads and Fellows of the Universities are too luxuriantly planted to produce. They have too much to spend, either in possession or expectancy, to have leisure or aptitude to think or to write; while the Professors, whose studies might have disturbed them in their Optimism, or given a new and revived impulse to academical instruction, have been all but driven out from among them.

VI.—TRINITY COLLEGE, DUBLIN.

The Dublin University, like the English Universities, is entirely under the direction of the Established Clergy, and chiefly exists for their honour and emolument. Of the Catholic population, only one in 320,000 resort to the College, and they are permitted to continue there only so long as tuition-fees can be extracted from them, but are not eligible, however eminent in learning, to share the solid advantages of rich Fellowships, livings, or collegiate offices.

Trinity College was founded by Queen Elizabeth, in 1592, out of the confiscated estates of the Catholic Earl of Desmond, and erected on the site of the old monastery of Allhallows, which, at the dissolution of the religious houses by Henry VIII., was vested in the mayor and citizens of Dublin, and by them given for the building of the College. All about its material

origin and support, therefore, is Catholic, not Protestant. From a letter written by the Lord Deputy at the time, it appears that the endowment was granted, that "knowledge and learning might increase among the Irish, and their children's children, especially those that might be *poor*, as it were in an orphan hospital, freely."

The College consists of a Provost, seven senior and eighteen junior Fellows, and twenty-five Professors. The junior Fellows are the teachers, and derive a large income from instructing the students, whose number is about 1,500. In addition, they hold offices, as registrar, junior-dean, or preacher. The senior Fellows, too, hold offices, generally, more profitable, and church-livings.

The allowances by the charter of Charles I. are meagre enough; for provost, 100*l.*; senior fellow, 9*l.* 13*s.* 4*d.*; junior fellow, 3*l.*; catechist, 13*l.* 6*s.* 8*d.*; sub-dean, 4*l.*; junior ditto, 2*l.*; lecturer, 4*l.*; bursar, 10*l.*; librarian, 3*l.* With lodging and commons. Scholars.—Natives, 3*l.*, not natives, 10*s.* With lodging and commons. The junior fellows not to charge more for tuition than 4*l.* for a fellow commoner, 2*l.* for a pensioner, and 20*s.* for a sizar. College to charge no more than 4*s.* 4½*d.* a week for the commons of a fellow, and 1*s.* 9½*d.* for a scholar. This was fixed by George II., who also raised the salary of the librarian to 60*l.* to which office he attached great importance and responsibility; but he left all other salaries and charges as in the charter.

Of course, these statutable payments have been widely deviated from. Upon the debate on Mr. Osborne's*

* House of Commons, July 10, 1845.

motion, the income of the senior Fellows was admitted by their friends to be 1,500*l.*; that of a junior 300*l.*, exclusive of school fees. By the statutes, for the better diffusion of learning and to provide for a rapid succession of Fellows, it is enacted that a Fellowship shall not be held longer than seven years after taking the M.A. degree. No notice is taken of this interdiction. A more remarkable deviation is the *marriage of the Fellows*; that their studious lives might not be interfered with by connubial cares, Queen Elizabeth enjoined to them celibacy. The injunction was long evaded, and at length (in 1840) lettres patent were obtained permitting the Fellows to marry without vacating their Fellowships; and among the Dublin matrons an unmarried Fellow is now deemed an eligible investment. In the treatment of the scholars, however, the Fellows have evinced immoveability enough. These are deserving students, not lower than a junior sophister, who can stand an examination in logic; the preferment can only be held five years, and the gains are trifling, but it is eagerly sought. Their number by charter was fixed at seventy, and no increase has been allowed. The sizars too, are kept at the statutable number of thirty. By the statute of Charles I. they are directed to be used as servants, to wait at table, feed on fragments and do menial offices. Despite of these humiliations some of the best scholars of Ireland have sprung from the class of free students. On a vacancy occurring, there often used to be 150 applicants, most of whom knew more Greek and Latin than is necessary for a *filius nobilis* to obtain a degree at Oxford.

Mr. Osborne estimated the revenues of Trinity College at 50,000*l.*: namely, from tuition, 28,316*l.*; from leaseholds by the College, 21,684*l.* The Rev.

Mr. Jones, whose estimate of the revenues of the English Universities has been given, also laid before the British Association for the Advancement of Science a statement of the revenues of Dublin College. It was as follows :—

	£
Provost	2000
25 Fellows	25,400
70 Scholars	2,100
10 College Officers	20,000
62 Benefices and Incumbencies	9,300
Rent of Rooms	2,000
College Revenues	31,500
	£92,300

A noble revenue for encouraging the learning and genius of Ireland, if rightly applied, in lieu of being expended on the overpaid Protestant church. But the Catholic community of eight millions is without the pale. They may receive education there by paying for it, and are eligible to a bachelor's degree, but cannot ascend higher, nor participate further in University honours and emoluments. Nor have they any share in the electoral franchise; the Masters of Arts on the books and the scholars returning the two Parliamentary representatives.

In conclusion, we think it may be fairly concluded, that the unreformed state of the National Universities is the most flagrant of existing public abuses; that their monopolies and disqualifying privileges are an imperial injustice, not to say robbery, perpetrated on all the rest of society in the three United Kingdoms of England, Ireland, and Scotland.

VII.—GERMAN UNIVERSITIES AND EDUCATION.

It may be true that there are not many aspects of civilisation in which England need to apprehend com-

parison with continental nations; but, partly from sectarian divisions, and partly from the immovability of all endowed ecclesiastical and university establishments, we are certainly behind them in institutions for the general instruction of the people. In this respect the Germans, whom we are too much accustomed to look upon as a nation of theorists or serviles, pedants or eccentrics, have far outstript us. They have been steadily experimenting for almost a century, and great is the information that may be derived from their endeavours. Whatever may have been the faults of their governments, they have been exemplary in the discharge of one momentous trust—that of educating the people; and most uncharitable it is, as is commonly done, to ascribe this laudable purpose to no higher impulse than that of more effectually enslaving them. What spell or charm is there in knowledge to rivet the fetters of despotism? What statecraft, priestcraft, or lawcraft was ever so absurd, as to seek to strengthen its iniquities by enlightening the minds of its dupes? The slave-drivers of every age, from the ancient Spartans to the modern Americans, have regarded ignorance as their best ally; and no mere despot, whether on a throne or a cotton plantation, feels safe, unless his domination is based on the ignorance of his dependants. Away, then, with this absurd calumny on our neighbours, and let us, without prejudice, examine what they have done or attempted in their educational institutions. In one view their course seems inconsistent: it is inconsistent to replenish their subjects with mental food, and then to seek to impede its digestion and spread, by restrictions on the Press. But the gagging system appears on the eve of being relaxed in Prussia, *under the new constitution*, and the example will doubt-

less be followed in other states. By enlightening the German mind, the cause of freedom has been served, though the tongue has been tied; for the steadiest and most influential friends of constitutional liberty in Prussia are well known to be the very men whom the State has educated to fill its highest academical offices. With this positive benefit, why seek, as is often done, to prove the futility of the Prussian system, by saying that the English artizan, though he may be scarcely able to read or write, is generally a cleverer fellow than the man of the same class in Germany; that the former learns more from the free life around him than the Prussian from his books? This, however, is not the issue to be tried—the result to be tested. It may be true, as represented; but the real question is, would not the German be worse off without his school education to begin life with; and would not the Englishman be better off—better in his personal, domestic, and social relations—if, with his freedom of action, had been conjoined the German course of juvenile preparation. He may be superior to the German now, but he would have been superior to *himself* as he is, with the advantage of this preliminary educational regimen.

It is beside our purpose to give an outline of German education, our aim being only to bring into juxtaposition, a few comparative points between German universities and those of Oxford and Cambridge. Our object is much facilitated by an excellent manual lately published by Dr. Perry, of the University of Göttingen.* According to this authority, the leading characteristics

* German University Education; or, the Professors and Students of Germany. By Walter C. Perry, Phil. Dr. of the University of Göttingen. Longman and Co., 1846.

of the German universities are described to be the following :—

“That, with the exception of a few, which are in possession of considerable endowments, these universities are mainly supported by large grants from the Government, and are under the immediate superintendence and control of a Cabinet Minister appointed for the purpose.

“That they embrace within them the whole circle of the sciences, and profess not only to provide the necessary aid and encouragement to the disinterested votaries of science who devote their lives to its advancement, but completely to prepare men for the service of the State, and for the professions of law, medicine, and divinity.

“That the privilege of lecturing and receiving fees is not confined to the regular salaried professors, but is granted to the ‘professors extraordinary,’ who have little or no support, from Government; and to an inferior class of professors called ‘privatim docentes,’ who are entirely dependent on their own resources.

“That, within certain very extended limits, the professors and teachers enjoy a perfect ‘Lehrfreiheit’ (liberty in teaching;) by which is meant, the liberty of choosing the subjects of which they treat in their public lectures, and of expressing their views upon them freely, without reference to the wishes of the Government, or the prevalent ecclesiastical and political opinions of the day.

“That the students have what is called the ‘Lernfreiheit’ (liberty of learning;) which means, that they may hear lectures on whatever subject they please, from whom they please, and as much or as little as they please.”

The gymnasia, or public schools of Germany, stand in a similar relation to the universities, as the foundation schools of England to Oxford and Cambridge. They are introductory to the higher establishments; but, in proportion to the population, are far more numerous than in this country, and far more comprehensive and *rigorous* in their plan of instruction. Indeed, we should

say that the German youth are *over-educated*. The toil they must undergo in mastering the various branches of tuition must be immense, and beyond what is requisite for the general purposes of life. It operates, too, unfavourably on the development of the moral and physical powers of the students. This would seem to be Dr. Perry's opinion :—

"The Englishman," says he, "who studies at a German university, cannot but be struck by the want of a taste for manly games which is observable among the students. They ride but little, they never boat, they seldom skate, and they know nothing of cricket or boxing. Their only amusements appear to be fencing, skittle-playing, walking, and, of course, conversation over their coffee, wine, or beer. All attempts to introduce the noble games of the English youth have been unavailing. It is impossible not to wish that the German governments, which are so minute in their attentions to the *mental* wants of their youthful subjects, would bestow a little more care upon their bodies; and that, instead of constantly demanding more and more mental exertion from the boys at their public schools, by increasing the severity of the 'maturity examination,' they would institute an inquiry into the state of their muscles, and the colour of their cheeks, as compared with those of English lads, and allow them to work less and to play more.

"Nothing can be ultimately gained by forcing the boy to undergo unnatural and excessive mental toil; the iaded mind must, sooner or later, have its rest; and is not that a bad arrangement, which lays the heaviest burdens on the earliest years? The best reform in the public schools of Germany, would be the enlargement of their play-grounds, and the introduction (by authority, of course!) of cricket, sparring, boating, and foot-ball. The student would retain and improve upon the sports of his boyhood, and the proposed improvement in the public schools would be followed by a reform in the universities. The excesses of German college life are, for the most part, the reaction from the dull drudgery of the school."

Efforts have been made to lighten the pressure of education, and to give it a more practical direction, by exempting from classical studies the classes to whom the dead languages are not available in after life. This was the origin of the "Real-Schulen," or higher mercantile schools, which have been established in the chief commercial cities :—

"As the commercial class in Germany increased in importance, and a greater number of boys were early devoted by their parents to the pursuits of trade, it was natural that complaints should begin to make themselves heard of the large portion of his time the future merchant was expected to spend in the study of the dead languages, which would be of little use to him in his future calling. The Government of Prussia responded to the call for an alteration in the gymnasia, by establishing, in connexion with these institutions, what are called *real*-classes, for the use of those who were intended for trade. It was usual to pass into these classes from the third or fourth form, instead of entering the second and first, in which Greek and Latin are the principal subjects of instruction. The seat of the commercial schools, which have now been established about twelve or fourteen years, is generally a large city, the inhabitants of which contribute to their support, the Government giving little or no pecuniary aid. Yet, like the gymnasia, and all other educational establishments, they are under the control of the Minister of Instruction."

We have heard little of these commercial schools before, and the plan of them might perhaps be advantageously adopted in England. We have no establishments resembling them, unless the Collegiate and Mechanics' Institutes of Liverpool may be deemed such.

An Account of the Degrees conferred at OXFORD from
October, 1843, to October, 1844.

	Number of Stamps.	Value of Stamps.
Doctors of Divinity	11	£ 66
Doctors in Civil Law	6	36

Doctors in Medicine	3	.....	18
Bachelors in Divinity	10	.....	60
Bachelors in Civil Law	3	.....	18
Bachelors in Medicine	1	.....	6
Masters of Arts	213	.....	1,278
Bachelors of Arts	280	.....	840
	527		£ 2,322

Degrees conferred at CAMBRIDGE from 1833 to 1844.

117 Honorary Degrees, at 10 <i>l</i> . each . . .	£ 1,170
28 Mandate Degrees, at 10 <i>l</i> . each . . .	230
52 Doctors of Divinity, at 6 <i>l</i> . each . . .	312
15 Doctors of Civil Law, at 6 <i>l</i> . each . . .	90
51 Doctors of Medicine, at 6 <i>l</i> . each . . .	306
42 Licentiates of Medicine, at 6 <i>l</i> . each . . .	252
48 Bachelors of Medicine, at 6 <i>l</i> . each . . .	288
113 Bachelors of Divinity, at 6 <i>l</i> . each . . .	678
84 Bachelors of Civil Law, at 6 <i>l</i> . each . . .	504
1 Doctors of Music, at 6 <i>l</i> . each . . .	6
2 Bachelors of Music, at 8 <i>l</i> . each . . .	12
2,225 Masters of Arts, at 6 <i>l</i> . each . . .	13,350
3,486 Bachelors of Arts, at 3 <i>l</i> . each . . .	10,458
10 Incorporate Bachelors of Arts, at 3 <i>l</i> . each . . .	30
	£ 27,686

MATRICULATIONS at OXFORD.

1834	...	...	353	1840	...	...	413
1835	...	...	372	1841	...	...	439
1836	...	...	388	1842	...	...	381
1837	...	...	402	1843	...	...	394
1838	...	...	411	1844	...	...	407
1839	...	...	389				
							3,349

A stamp duty of 1*l*. is paid on each matriculation.

MATRICULATIONS at CAMBRIDGE.

1833	...	...	402	1839	...	...	459
1834	...	...	447	1840	...	...	420
1835	...	...	418	1841	...	...	429
1836	...	...	430	1842	...	...	436
1837	...	...	435	1843	...	...	475
1838	...	...	409				
							1750

The stamp duty of 1*l*. paid on each matriculation.

THE

House of Commons.

Merits of the Reform Bill—Disfranchising Clauses, by Ratepaying, Residence, and Registration—Number of Marketable Boroughs—True Representative Principle—Hints for the General Election—Active, Idle, and Jobbing Members—Statistics of Parliamentary Representation.

THE Reform Bill, the struggles connected with its attainment, and the misrule that had preceded it, have become settled facts of history. Many of the chief actors are dead, those who survive retain only imperfect recollections, so that people in general hardly dwell with more living interest over the bygone days of Winchilsea and Old Sarum, than over the remains of a Druid temple, or other remnant of the obsolete past.

In the fifteen years that have elapsed since 1832, time has been afforded for testing the adequacy of the new parliamentary representation, and, on the whole, the results are not unpromising. It has not been throughout a progressive movement. Long intervals of rest have intervened, but this is no serious impeachment of the general fitness of the substituted machinery. If no corn be brought to the mill, none can be ground. Remaining grievances may not have been so flagrant or urgent, and governments do not seek them. Their tendency is to routine or quiescence, or to play their

own game, unless kept alert and onward by the outward pressure. Besides, the English are a busy community, and, unlike the citizens of Athens, do not waste all their time over politics and public characters. Theology is one topic of pervading concernment; the pursuits of commerce and industry another; games and amusements have numerous votaries: so that only a fraction of the community and an occasional season are left for State affairs; and the course of Government must be both wilful and abandoned, to rouse and organise any considerable degree of obstructive resistance.

It ought, however, to be remembered, that Parliamentary reform did not create a new apparatus, so perfect and self-acting as entirely to dispense with the need of popular control and vigilance. Neither was it a reckless concession to the will of the people. Everything given up was carefully weighed, and the new interests evoked guarded, and partly neutralised, by counter equivalents. For the loss of the nomination boroughs, and the enfranchisement of the great towns, enormous additions were made to the number of county representatives. In England only, the number of county representatives was augmented from 82 to 143, and the representatives of the cities and boroughs reduced from 408 to 324. In the latter there was no disfranchisement, however gross the delinquency had been, and the mass of corrupt voters who had been bought and sold for centuries, were all, with the exception of non-residents, retained on the electoral lists. Further, the new constituency of ten-pounder householders called into existence, were subjected to novel and stringent conditions in the exercise of the franchise. First, they were required not only to have paid poor-rates, but

king's-taxes; they must have been resident for a lengthened period; and lastly, they must have been registered. Each of these requirements has operated to keep down the number of electors, and curtail the exercise of the suffrage, and are so vital in the working of the Reform Bill, as to claim a moment's consideration.*

The old common law right of voting in boroughs was by scot and lot; by which is meant, nothing more than the occupation of a house of any value for six months, and payment of poor-rates up to the day of election. The new electoral franchise is a very different qualification. By the common law the value of the house is immaterial; under the Reform Act it must be worth ten pounds a-year at the least. Under the common law payment of the poor-rate was alone required, but now a voter must prove that he has paid up poor-rates and assessed taxes.

One of the great objects avowed by the framers of the Reform Act has been defeated by the ratepaying clause. Lord John Russell observed, in introducing that measure, that he intended to call into existence 500,000 new electors, of which number 95,000 would be in the metropolitan districts. It so happens, however, that in the five new metropolitan boroughs, the electors on the register do not exceed 45,000, and one-sixth of these are duplicates. Westminster, Southwark, and the City of London, are all numerically

* The operation of the ratepaying clause only, is shewn by a return made this session to Parliament. In the cities and boroughs of England and Wales, the number of houses of 10*l.* and upwards, is 498,425. The total number of persons omitted from the lists of voters in 1846, for the non-payment of assessed taxes, was 18,873.

worse off than before the Reform Act; for the constituencies of all these places have been diminished by the ratepaying clause. In the metropolis alone upwards of 100,000 householders, many of them inhabiting, not 10*l.* houses, but 40*l.* and 50*l.* houses, are disqualified from voting, by the obstruction this disfranchising condition throws in their way. The same result has ensued in other cities and boroughs, and all parties complain of the injury they sustain. The enlarged constituencies of the counties do not feel this grievance, for county voters have not to prove the pre-payment of rent, rates, or taxes. It is the poorer class of voters in towns that mostly suffer. Their suffrage may be said to be in the hands of the parish officers, to whom it opens wide scope for favouritism and bribery. Fourteen parishes of the metropolis have refused to put any man on the register, unless he claim both to be rated and registered; and what renders this determination more dangerous, is the recent decision of the Court of Common Pleas, that, after every fresh rate, a new claim is necessary by the elector.

The regulations in respect of *occupation* tend greatly to narrow the constituency. Six months' occupation, by the common law, qualified to vote. The term is now almost indefinite, depending on the season of the year when the tenant enters; he may be able to give his vote in twenty-six months, or not till thirty-two months have elapsed from the time of taking possession.

The *registration of voters* formed a new and important feature of the Reform Bill; and on the aptness of the agency employed for this purpose, much of the integrity and efficiency of the representative body depended. But the ratepaying and occupation clauses, together with the inaptness of the registering apparatus, have

made this a source of endless vexation, even to electors possessing a *bona fide* qualification. The system of registration gives immense advantages to the objector over the party impugned, and masses of voters are yearly being struck off on the ground of mere technical errors. It is a curious fact, that every county constituency undergoes a complete and total change once in ten years.* It is not meant that every person on the register changes his qualification in that time, but the number of changes is equal to the total number of voters, chiefly from the reckless manner in which objections are made. It has been calculated, that forty-nine fiftieths of the objections turn upon some technical matter—a wrong number, name, or other triviality. The objectors are seldom persons of any station or property themselves, but are hired by contending political parties, often with no higher object than the annoyance of their opponents.

Intimately connected with these party contests is the new practice of splitting votes. The Act of Lord Somers, provides, that only one vote shall be given for the same tenement. It has, however, been decided by the courts of law, within the last two years, that the Act applies only to *fraudulent* votes. This has given rise to a rapid manufacturing of votes by rival parties—Whigs, Tories, and Radicals. Repeated instances were brought before the Registration Committee of last year, of houses being purchased, and split into fifty votes. It is in evidence, that the election for the West Riding of Yorkshire was carried by votes put on the register in this manner. In a single division of a county, (North

* Mr. Walpole, House of Commons, May 5, 1847.

Staffordshire,) 2,000 notices of objections had been served in one year, many of them, no doubt, frivolous enough. The great diversity of the county qualification—freehold, copyhold, leasehold, and occupying tenants—affords a wide field for this species of manœuvre and conflict.

From this exposition it is manifest, that experience has opened up results in the working of the Reform Bill, which were unforeseen, or not duly appreciated. It could never have been intended that the elective franchise should be an article producible at the nonce by the mere subdivision of tenements; nor that its exercise should so sweepingly depend on the caprice of parochial officers—on the technicalities of registration—on landlords compounding or not for parish assessments—on the pre-payment of rates and assessed taxes by the elector, or on a widely varying term of residence. All these are fluctuating elements, depending on the season of the year, or individual preferences, unconnected with any elective eligibilities, founded either on property or personal rights. Other anomalies have become glaringly apparent, of the Reform Bill not being consistent with a just and adequate representation of the community in Parliament.

The great object of representation is, to comprehend all interests, in proportion to their number and worth. Persons and property, intelligence and probity, whatever, in short, constitutes an element of value in the general weal, should have its proportionate share and expression in the representative assembly. But the realisation of this principle does not exclusively depend, either on the aggregate number of representatives or constituents. The essential point is, that no interest should be left out, but all embraced in just proportion in the repre-

representative and electoral body. If the House of Commons were numerically one-third less, it might be an equally just and efficient, and would certainly be a more responsible and manageable representation of the community than at present; provided the number of representatives apportioned to represent different interests was such, that no one had an unfair legislative ascendancy—neither land, commerce, manufactures, nor labour. In like manner, the electoral body might be more or less numerous, without impairing the adequacy of its protective functions, provided each class had its fair proportion, and none were favoured by a predominance. It is the proportionate distribution, not the gross number, of either representatives or constituents, in which consists the equity of the representation.

The essentials in the distribution of the elective qualification are, first, that every interest, in fair proportion, be comprehended, whether personal or proprietary. Second, that it be so diffused, that the voters are too numerous to be bribed, canvassed, or otherwise insidiously assailed, by mere personal dexterity, corruption, or management. Third, the suffrage ought to be such as it cannot be subjected to secret or openly direct control. It is not meant that any class of electors can ever be constituted, wholly exempt from influence; it may be a legitimate influence—the influence of high character, or superior probity, or intelligence; but the influence objected to is, that which is pecuniary, or directly coercive, and which ought not, if possible, to fetter the exercise of the franchise, whether emanating from prince or peer, priest, landlord, employer, or customer. Lastly, the suffrage ought to be simple and well-defined; fixed, not mutable; obvious, and the tests of its existence and validity readily applicable.

Ostensibly, these were the main objects sought to be attained by the Reform Bill; a simple and uniform franchise was introduced; interests that had decayed were struck out of the representation, and those more important incorporated; and the mode of taking the poll was economised and expedited. Acting on these principles, fifty-six boroughs were wholly disfranchised; in thirty more the number of representatives was reduced to one; while various new boroughs, that had become pre-eminent from increase of wealth or population, were enfranchised, and allowed to return two or one representative.

These were the leading features of the reform of 1832, but in practice their utility has been impaired or restricted by the conditions already noticed, imposed on the exercise of the franchise. According to the pledge of Lord John Russell, no borough in future would be without 300 electors, but by the operation of the rate-paying and other disqualifying clauses, there are at present no fewer than thirty-five boroughs with less than 300 voters.* Boroughs with a small constituency are more objectionable than the nomination boroughs previously existing, influenced by the aristocracy and close corporations. Under the old system, a nobleman of elevated and patriotic mind, would occasionally return to Parliament for a pocket borough, a man eminent for worth and talent; but such credentials alone would hardly procure a seat in Parliament under the present system. The only chance of being returned, a candidate recommended only by his merits would have, would be by a large or moderately sized borough, influenced by public spirited and intelligent

* Mr. Hume, House of Commons, Feb. 23, 1847.

influences, not by one with a diminutive constituency. The latter are most, if not all, marketable. The voters being too numerous to be individually responsible, yet not sufficiently so to preclude bribery, and make public duty preferable to private gain.

The retention of such corrupt inlets into the House of Commons, is a blot on the national representation, inconsistent with sound and the avowed principles of representative government. The people are assumed to be the electors of their representatives, and these representatives to express and embody their interests and sentiments. If such be the relation between constituent and representative, how can an arrangement be defended, by which mere handfuls of persons return Members of Parliament? How can any one maintain the utility of giving the people a voice in the Government, yet stifling or capriciously restricting its utterance—admitting the few and excluding the masses—giving votes to 30,000 men in the West Riding of Yorkshire, and excluding 300,000—or still more revolting, suffering a paltry town to have the same influence in Parliament as a province? In such a cast of representation, there is no just relation between legislative influences, and the electoral interests represented. Can anything be imagined more incongruous in the distribution of political power, than the giving the same weight in public affairs to Harwich and Thetford, as to Manchester and Westminster? Or if we view the absurdity on its larger scale, by taking aggregate instead of single anomalies; what defence can be urged for a system which gives to fifteen boroughs, whose inhabitants are short of one hundred thousand, as many representatives, and as much direct power in Parliament, as all Middlesex, Yorkshire, and

Lancashire, with their six millions of people, and their countless resources of wealth, industry, skill, and science.

Parliamentary reform was not offered as a revolutionary but restorative measure: by the lapse of time, it was urged, the constitution had been impaired, and the task was to renew it. On this principle the question of the ballot, was not entertained by the Reform Ministry. Vote by ballot, had never formed a part of the British Constitution, so it was held to be without the scheme of reform, and no opinion given upon its merits. There might be reason and consistency in this limitation, but there is none in tolerating the anomalies just indicated, in giving the same number of representatives to Marlborough and Chippenham, with only 556 electors, as to Birmingham and Leeds with 10,801. This was not renovating the constitution, but perpetuating its abuses.

The reformers of 1832 may be challenged on their own premises for another inconsistency—another unredeemed pledge. Why is the Septennial Act retained? It is no part of the ancient constitution. At an early period of history, Parliaments were sessional, elected afresh as often as assembled. Later, the term of duration was irregular. Charles II., who preferred the Bourbon fashion of raising money, would have gladly dispensed with Parliaments altogether, and protracted his second Parliament to seventeen years—a term long enough to obliterate all connexion with the electoral body. In the 461 years preceding the reign of George III., there were 202 parliaments, whose average duration was two years and a half. In the sixty-nine years of the reign of George III. and IV. there were only thirteen Parliaments, averaging five years and one-third

each. The three Reform Parliaments, to the dissolution in 1841, continued on the average thirty-four months each, or nearly three years. Of course the present Parliament has sat double the term of its reformed predecessors, and above the average duration of the corrupt bodies under the Georges. A triennial term, as fixed at the revolution of 1688, appears a just medium. Experience seems to prescribe it, and legislation cannot have a safer warranty to steer by than the course marked out, as it were by natural routine. No reform could possibly be more simple, or more efficacious than this; it demands no delay—no inquiry, census, or statistics of anything—only the bare legislative dictum that no Parliament in future shall continue longer than three years. A lease of seven years, as Junius expresses it, gives a corrupt member six years to commit sins, and only one year to atone for them. Effective legislation lies between the extremes of annual and septennial elections. The short Parliament does not afford time to perfect sound measures of national improvement, or even to acquire the information which the responsibility of legislation needs; while the long Parliament deprives the elector of the means of repairing the error of his choice within any reasonable period of recovery, and gives to the representative the means of trading at will upon a trust, which should always be considered as held under constantly renewable liabilities to his constituents. More the principles of representative government are considered, the stronger will be the conviction that the elected legislature is as much entitled to have a sufficient period of trial, as the people are to possess a reasonable power of redemption and renewal in their own right. The present term is too protracted, un-

suited to the altered state of society, its multifarious avocations, rapidity of progression and vicissitudes, and the augmented intellectual activity of the age, by which opinions are constantly advancing or changing, and which require to be communicated, through the expression of frequent elections, with corresponding celerity and force to the legislature.

Despite of incompleteness and shortcomings, it would be unjust to deny the great public benefits conferred by the Whig charter. It satisfied the people for one thing, gave them, with some modifications, all they asked—"the bill, the whole bill, and nothing but the bill." Nor has it proved illusive; it has given legislative force and expression to popular interests and popular sentiments, that were previously without utterance or advocacy. The first three sessions especially exhibited splendid legislative triumphs. Almost every disorder and every abuse in the state was struck at, if not levelled. Tithes were commuted and the provincial municipal corporations opened; monopolies and class interests curtailed; economy and efficiency introduced into the public offices, and overgrown military establishments cut down to the level of the public exigencies. Nor has the expiring Parliament been without good works—the repeal of the Corn Laws—establishment of the Free Trade principle—amendment of the Tariff, and extension of direct taxation, with the conversion to Liberalism of a powerful section of Conservatives, form valuable testimonials. It is because the Reform Bill has wrought these beneficial changes, that it has become urgent and desirable that its early virtues should not be lost but renewed—its discovered imperfections repaired, and its destined mission fulfilled. The reforms that have been effected are not conclusive, only laudable

beginnings ; their full progress and development were partly arrested by the Melbourne government, backed by a seven years' lease of parliamentary irresponsibility. Under the impotent trifling of this enfeebling ministry, the long term from 1835 to 1842 was lost to the movement ; the hopes that had been held out were not fulfilled, and the pledges given unredeemed. The consequences are apparent, and have been partly exhibited in the preceding exposition of the magnitude and inveteracy of surviving public abuses, in the unreformed state of the laws and judicial administration—in the puerile and pedantic routine of the national universities—in the illusive efforts at popular education—in the continued obstructiveness of the corporate institutes of London—in the mal-administration of Charitable Foundations—and greater than all, the vast accumulation of wrongs and wasted revenues, pertaining to the ecclesiastical courts and the ecclesiastical establishments of England and Ireland.

But if nothing be asked, nothing will be given. We are on the eve of a general election, when the legislative trust will be open to amendments, and the electors have power to choose such instruments as will perfect the work of national generation. The Reform Bill was an immense concession ; it vested the origin of power where it ought to be—in the people—and if they are only alert to exercise it, they possess the means, constitutionally, and without violence, of earning for themselves good and efficient government. Time has not impaired the corrective potency of the franchise, but augmented it in popular force and control. It is a fact, that the electoral body has increased faster than the general population of the country. In 1832, the *number* of registered electors in the United Kingdom

amounted only to 812,925 ; in 1842 they amounted to 1,059,230 ; showing an increase of 246,305 in the intervening period. Population has not advanced in a corresponding ratio ; the number of electors has augmented almost twenty-five per cent, while the number of inhabitants has not increased fifteen per cent. In the first general election under the Reform Bill, 509 reformers were returned to Parliament, and a similar triumphant majority of good men and true might, under a like patriotic impulse, be returned on the approaching appeal to the nation.

Members of the House of Commons may be divided into three classes, and that the electors may know the sort of men they need, we shall briefly describe them. According to the *Spectator* there are three kinds—the Active Member, the Idle Member, and the Jobber.

The Active Member is a man who considers that he sits there for the good of his country. He feels his responsibility for the welfare of millions ; and is anxious to acquit himself of it. He is never absent from the House ; pays the utmost attention to every step of its procedure ; votes in every division ; takes as large a share in the debates as he is able ; does his utmost to study the merits of every question ; and is a member of numerous committees. Such a member does his duty to the utmost of his power. But the Idle Member, gives himself no concern about the matter. He has got in from family influence in some small borough ; and, like the members of the other House, is a kind of *hereditary legislator*. His reasons for getting in are various, frequently mere vanity ; sometimes the convenience of setting his creditors at defiance ; sometimes the hope of something snug for himself or his family, in reward for never, like Sir

Francis Wronghead in the comedy, saying "No" when he should say "Aye." The Jobber has generally been indebted, for his admission, to the weight of his purse. He buys his seat, in hopes that he may turn it to good account. He does not pay an indiscriminate attention to all branches of Parliamentary business, but is most active wherever his own personal interest is concerned. It is chiefly the Committees that are the scenes of his industry. Among the multitudes of local and personal interests that are there involved, he finds an ample field for intrigue; and the Idle Members, and loungers about the House, are his most convenient tools. It is by means of bringing squads of these camp followers to vote in the Committees, that the Jobbers carry their objects.

In conclusion we shall subjoin an abstract of some parliamentary returns, confirmatory of the acts mentioned, and elucidatory of the present state and progress of parliamentary representation.

NUMBER of PARLIAMENTARY ELECTORS on the Register for Counties, Cities, Boroughs, Burghs, &c., in England, Wales, and Scotland in 1843, with their qualifications.

ENGLAND AND WALES—(*Counties*).

Freehold; including Freeholders of inheritance, Freeholders for Life or Lives, Pew-renters, Rent-chargers, Rectorial and Vicarial Tithes, or other Freehold Qualification	334,453
Copyhold and Customary; including Tenants by Copy of Court Roll, Tenants by Custom of the Manor, Tenants in ancient Demesne ...	26,459
Leasehold for period of Years or for Lives ...	29,172
Occupying Tenants at a Rent of 50 <i>l.</i> per annum	115,991
Trustees and Mortgagees in actual Receipt of the Rents and Profits	1,889

Offices; including all Ecclesiastical or Parochial Appointments, as Holders of Benefices, &c., Organists, Parish Clerks, Sextons, &c., ...	2,107
Joint Qualifications, including all who are registered for more than one Qualification ...	7,727
Total Number on the Register ...	518,187
Increase since 1839—40 ...	22,461

Boroughs.

Ten-Pound Householdors ...	250,074
Freemen; including Burgesses, Freemen, Liverymen, and any other similar Qualification, whether obtained by Servitude or otherwise	54,742
Freeholders or Burgage Tenants in the case of County Cities and Towns... ..	6,138
Scot and Lot Voters ...	8,792
Potwallers ...	3,630
Offices; including any Corporate or other Appointments, as Portreeves, Holders of Benefices, &c., Organists, Parish Clerks, Sextons, &c. ...	54
Joint Qualifications, including all who are registered for more than one Qualification ...	16,441
Total Number on the Register ...	338,351
Increase since 1839 ...	8,925

SCOTLAND—(*Counties*).

Proprietors, Sole or Joint ...	18,126
Life Renters, Sole or Joint ...	2,679
Leaseholders, including Sole or Joint Occupants, Tenants paying a gross Sum of 300 <i>l.</i> , or any other similar Qualification ...	23,853
Husband in right of Wife ...	650
Offices, including Parochial Ministers, Schoolmasters, &c. ...	1,175
Joint Qualifications, including all who are registered for more than one Qualification ...	507
Numbers who have been transferred from the old Roll of Freeholders to the new ...	2,087
Total Number on the Register ...	48,820
Increase since 1839 ...	1,314

Burghs, &c.

Proprietors, Sole or Joint	...	...	12,012
Occupiers, Sole or Joint, including Tenants at an Annual Rent of 10 <i>l.</i>	...	...	22,663
Life Renters, Sole or Joint	...	...	259
Husband in right of Wife	...	...	497
Joint Qualifications, including all who are registered for more than one Qualification	...	...	1,988
Total Number of Electors on the Register	...	...	36,424
Increase since 1839	...	...	694

TOTAL NUMBER of ELECTORS in GREAT BRITAIN and IRELAND in 1843.

		Counties.	Boroughs.	Total.
England and Wales	...	518,187	338,351	856,538
Scotland	...	48,820	36,424	85,244
Total for Great Britain	...	567,007	374,775	941,783
Ireland	...	67,136	50,312	187,448

Total for the United Kingdom 634,143 425,087 1,059,230

In the general election of 1832, (the first under the Reform Bill,) the total number of registered electors for the United Kingdom was 812,925 ; so that they had increased, as before remarked, nearly one quarter of a million in the next ten years to 1842.

Proportion of MEMBERS to POPULATION according to the Census of June 6, 1841 :—

ENGLAND.

	Members.	Population.
41 Counties, returning...	144	9,115,611
187 Cities and Boroughs	323	5,879,527
2 Universities	4	
		<u>14,995,138</u>

WALES.

12 Counties, returning...	15	680,147
56 Cities and Boroughs	14	231,450
		<u>911,608</u>

IRELAND.			
		Members.	Population.
32 Counties, returning...	...	64	7,370,533
6 Cities ...	...	10	477,945
3 Towns ...	...	4	61,150
24 Boroughs ...	...	25	285,610
1 University...	...	2	
			8,175,288
SCOTLAND.			
30 Counties, returning...	...	30	1,657,985
76 Cities and Burghs ...	...	23	962,199
			2,621,184
Grand Totals		658	26,702,163

From the accession of King George III. to the dissolution of Parliament in 1841, 4,698 persons had sat in the House of Commons, namely,—

The Parliament existing in October,				
1760	...	...	...	558
New Members in the Parliament of				
1761	...	...	...	254
1768	...	...	...	222
1774	...	...	...	206
1780	...	...	...	193
1784	...	...	...	225
1790	...	...	...	249
1796	...	...	...	230
Irish members added				
1801	...	...	...	100
New members in the Parliament of				
1802	...	...	...	246
1806	...	...	...	163
1807	...	...	...	161
1812	...	...	...	246
1818	...	...	...	192
1820	...	...	...	193

1826	...	...	...	205
1830	...	...	...	169
1831	...	...	...	136
1833	...	...	...	262
1835	...	...	...	150
1837	...	...	...	173
1841	...	...	...	165

Total	...	...	...	4,698
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The above were—

Peers of Ireland	...	...	...	182
Sons of Peers	...	...	...	824
Baronets and Knights	...	...	...	906
Esquires, &c.	...	...	...	2,786

Total	...	...	...	4,698
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Of the above there sat in

15 Parliaments	...	...	...	1
14 Parliaments	...	...	...	6
13 Parliaments	...	...	...	7
12 Parliaments	...	...	...	14
11 Parliaments	...	...	...	24
10 Parliaments	...	...	...	40
9 Parliaments	...	...	...	84
8 Parliaments	...	...	...	108
7 Parliaments	...	...	...	184
6 Parliaments	...	...	...	311
5 Parliaments	...	...	...	369
4 Parliaments	...	...	...	591
3 Parliaments	...	...	...	748
2 Parliaments	...	...	...	971
1 Parliament	...	...	..	1,240

Total	...	...	...	4,678
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214 of the above have been created Peers of Parliament.

288 of the above have inherited Peerages.

THE

Corporation of London.

National Importance of Reform in the Municipal Institutions of the Metropolis—Evasion of the Ministerial Pledge—Relative Expenditure of the City of London and Liverpool—Retail and Wholesale Dealers—Dispute between the Court of Aldermen and Common Council—Freemen and Non-freemen—Westminster Review and City Solicitor—Royal Hospitals and St. Paul's School—Magistracy of the City—Holborn Hill and Smithfield Market—Patronage, Jobbing, and Revenues.

THE Metropolis of the British Empire is not a common city, but, in its *materiel* and moral elements, the greatest city that ever existed; and all that concerns its well-being is of national importance—rises into the dignity of an Imperial question, vitally interesting to the entire kingdom. All the great interests of the country flow into, and have some stake or representative in the central basin of the metropolis; either personally and direct, or by ramifications of business and pleasure, every class has motives for watchfulness over the state and management of the city of London. Unlike other capitals, it is not merely the seat of government, in which the rank, fashion, and luxury of the empire annually congregate, to dissipate their leisure and redundant incomes; but it is itself a vast hive of population, commerce, industry, and creative opulence. External aid and sustentation it undoubtedly draws, but the chief springs of its prosperity and resources are native energies and natural superiorities. For enter-

prise and business habits, in steady perseverance and fertile expedients, few, if any town can claim precedence over the metropolis. The metropolitan port is unrivalled in the extent of its commerce and navigation. London, we need not remark, is the head and heart, not only of the commercial transactions of Britain, but of the trading world; it is the universal exchange of nations, the site and centre in which all the leading and engrossing affairs of life have their origin, negotiation, and terminus.

This pre-eminence the capital always possessed. Among the ports and towns of England, London always held the foremost place. Liverpool has burst from the earth, as it were, almost within a generation; Manchester, Birmingham, Sheffield, and Leeds, have suddenly expanded into large and busy marts; still they cannot compete with the metropolis. All have progressed—still the *parvenu* towns continue nearly at the same relative distance from the parent model. In populousness, trade, and riches; as the seat of power and the resort of science, London maintains her supremacy, and which distinction may doubtless be chiefly ascribed, as already remarked, to her natural advantages—her noble seaward communication, the salubrity of her site, and the facilities of her approaches from the surrounding vicinage.

To all these causes of gratulation there is, however, one signal and almost astounding drawback; more remarkable, because self-inflicted and remedial, and cherished despite of an all but universal desire for amendment. What we allude to is, the state of the MUNICIPAL INSTITUTIONS of the metropolis. In this respect there has been no advancement; and the venerable City of London, in shame and sorrow, must bow to pro-

vincial superiority. How this anomaly has come to pass we are about to explain, and to which all we have said has been only preliminary. The fact is, as we have hinted, the civic institutions of London continue an unabated nuisance to a population of nearly two millions, in defiance of the example of other cities, and of a very distinct pledge of the Imperial Government to reform them.

Retrospection is here essential to a clear understanding. It will be remembered that, previously to the reform of 1835, the municipal corporations of the provinces had fallen into a state of abuse and decay similar to that which pervades the corporation of London. Those of them that were the least imperfect existed for no object of general utility, and were totally unsuited to the existing wants of society. The corporate revenues were mostly in the disposal of self-elected and self-auditing councils, subject to no popular control, and whose proceedings were secret, and who usually dissipated them in private jobbing and corruption, especially in perverting them to the influencing of the electoral bodies in the return of members to Parliament. The administration of justice was partial or inadequate; police was neglected or inefficient; public charities were jobbed; in the grant of publicans' licenses, and appointment to offices, not fitness or desert, but favouritism predominated: in short, the municipal corporations had become oppressions and grievances to their respective communities; detrimental, in lieu of beneficial, to the inhabitants, and conducive to no one salutary end of local government, convenience, or improvement.

Upon these defects was the important scheme of municipal reformation founded. It extended to one hundred and eighty-four corporations, whose jurisdiction

embraced a population rather under two millions, and whose aggregate revenues amounted to 300,000*l*. In the plan of reform brought forward, the Corporation of London was not included; it was omitted, not because it less needed reform than Leeds, Liverpool, Leicester, or Aberystwith; not because abuses were less rife there; not because its inhabitants were less numerous, or its revenues inferior: considerations precisely the contrary of these influenced Ministers in their determination of postponement. In number of inhabitants the metropolis fully equals that of all the reformed municipal towns united; and the revenues of the Corporation of London are treble the amount of the aggregate revenues of the reformed municipalities.

London, therefore, was certainly not exempt from municipal regulation on account of its insignificance—because its claims were less urgent and imperative. It was too great, too colossal a question, to be dealt with incidentally. Exclusive of corporation abuses, it involved in some degree the chief commercial, trading, shipping, and monetary interests of the empire. Wisely, therefore, did Parliament defer its consideration, and not crudely and hastily mix up the reform of such an Angean accumulation with the petty nuisances of the country.

It was a subject ample and complicated enough for separate legislation. Such was the general opinion. All acquiesced in its reasonableness. Lord John Russell, when he introduced his bill for the reform of the provincial corporations, said he would bring in a separate bill for the reform of the London corporation. This was on June 5, 1835. Twelve years have elapsed, and no measure has been introduced by his lordship to redeem this Ministerial engagement. In 1836, 1837,

and 1838, nothing was done to redeem the Government pledge. In 1839 a general police bill was brought forward for the whole metropolis; it was a wise, efficient, and comprehensive measure, framed on sound principles, involving no jobs, and acceptable to the residents of London, Westminster, and Southwark. But it was doomed to defeat, or, at least, mutilation. It could not be forced through the strait gate of Temple Bar, behind which myterious boundary it encountered overwhelming resistance, and Guildhall triumphed over Whitehall. To the householders, however, who had the greatest interest in the question, it was welcome; they recognised in it a uniform and beneficial regulation; not so their assumed and mostly absentee representatives—the Aldermen and Common Councillors. In consequence, the police bill was cut down, and the wisdom of Downing Street bowed to the sage worshippers of Gog and Magog. Representations were made; gentlemen from the city waited upon Ministers; the police bill was referred to a select committee, and, when again introduced, was found divested of the entire ten clauses applicable to the City of London. No explanation was given; no reason assigned for this sweeping abscission, further than Mr. Fox Maule intimating, that, such as the bill was, it *must* pass, as Ministers were unable to carry a better!

How did this result happen? How happened it that Ministers were baffled in a salutary scheme of local improvement? It was not a general measure of municipal reform; it was an instalment of the debt they owed to the City of London, and in this "bit by bit" amendment they were defeated. The reason was, they could not afford to lose the *political support* of the London corporation. Their power, their tenure of office, depended on a

parliamentary majority, and that majority, every session, was growing "smaller by degrees, and beautifully less." Sometimes it amounted to a dozen; oftener eleven, seven, five, three, or other ominous numeral. Five was a great majority. Had the four M. P.'s of the City deserted them, they would only have had a majority of one; and perhaps Marylebone, for Aldermen and Common Councillors live in Marylebone, might have turned against them; and even Southwark might have rebelled, for corporate influence is strong there; and then they would have been in a clear minority:

Having no wish for this alternative, Ministers compromised with their taskmasters, and kept their places two years longer; never, however, in that interval, jeopardising their existence by a renewed onslaught on the Corporation, or attempting, even in a small way, to redeem their engagement to the citizens. Of this failure of justice Lord Brongham reminded the legislature in 1843, in an able address, but nothing resulted beyond opening the general bill of indictment against the Corporation. It was followed by no committee, no bill, no suggestion. A formidable broadside was discharged against the honourable and worshipful, but whether in jest or earnest—whether as a salvo for the amusement and glorification of his lordship individually, or as prelude of some plan of practical utility—was hard to determine. In consequence, the municipal institutions of the capital continue in the state of unsuitableness, incongruity and superannuation, in which they were twelve years past, though the renovation of them is more urgent, and their abuses more enormous and hurtful, than those of all the corporations reformed by the Bill of 1835.

The case is plain, palpable, and anomalous. The

same political influences that defeated the Police Bill of 1839, may defeat every subsequent effort at local improvement. The first draft of the Health of Towns Bill included the City of London, but it has been left out in dread of the impending election. Churchyard improvements, better drainage, and every sanitary melioration, may be expected to share the same fate, and succumb to like civic dictation. This is monstrous—it is monstrous that a population of two millions should remain obnoxious to typhus, cholera, and other ills, physical and moral, that Aldermanic domination, Mansion House revels, and Committee feasting, may continue unchecked and unstinted.

For such a gigantic estoppel to national progress, there is no plea or solid pretext. During the last sixteen years the spirit of reform has been mostly alert, and successful in its endeavours; in Church and State the administration has been improved; in provincial and parochial establishments innovations have been general and unceasing. Almost every change has been found an amendment: the new has been found better, more fit and applicable, than the old. Is there any reason the City of London should continue an exception, that it alone should continue stationary, while all around is progressing? Its municipal institutions were planted and grew up contemporaneously with the political institutions of the kingdom, partook of their corruptions and degeneracy: reform in them is equally needed, and, if carried, would doubtless be not less restorative than that which has been effected in the general government.

Recent local improvements are an encouraging illustration. No one doubts that the present Royal Exchange transcends its predecessor; that King William Street is superior to Eastcheap, or the New London

Bridge to old London Bridge. All these are visible amendments, which nobody can dispute or deny; nor less so would a new London Corporation be in place of the old Corporation, conceived in the spirit and intelligence of the age of Queen Victoria, in lieu of the age of the Normans and Plantagenets.

But it is not a question of vague surmise or speculative conjecture, but of practical results and conclusive experience. Nottingham, Northampton, Leeds, Liverpool, and one hundred and seventy-four other towns, exclusive of the burghs of Scotland and the towns of Ireland, have all reformed their corporations, and have never repented the change, or petitioned to have their decayed municipalities reinstated. Manchester and other towns have sought to share in the benefits of the new institutions, but none to partake of the abuses of the old. The citizens of London are not more likely to regret, when accomplished, the reform of their civic establishments.

They have examples under immediate cognizance, to open their eyes to prospective benefits. The City of London itself, as most people know, forms only the inner circle, the nucleus of this vast metropolis. Like a toad imbedded in a rock, it has been almost buried, overbuilt, and overpeopled, by a vast living world around it, over which it has no more control than over Dublin or Edinburgh. Some of the parishes by which it is proximately surrounded exceed it in populousness, and put the City, with its hereditary wisdom and prescriptive institutes, to shame, by the superior economy and excellence of their local administration.

The parish of Marylebone is a striking instance. This parish, and the City of London, each comprises about one-fifteenth part of the metropolis. The popula-

tion of Marylebone amounts to 137,995; that of the City to 129,251.

In 1841, the sums expended by Marylebone on the church, the poor, paving, lighting, cleansing, magistracy, police, county prisons, and lunatic asylums, amounted to 128,184*l.* 8*s.* 11*d.* The sum expended on the same description of objects in the City amounted to nearly a *million!*

Objections have been made to the fairness of this comparison; that the two cases are not identical, nor hardly analogous. Perhaps the expenditure of the City has been over-stated; perhaps it does not amount to a million, or near a million. Suppose, however, it amounts to 800,000*l.*, or 700,000*l.*, the disparity in the disbursement of the two places is enormous, is enough to fix attention, to stagger belief. Why should a class of objects cost the City 700,000*l.*, that cost Marylebone only 128,184*l.*? We know there is a difference between the two places, and this may partly account for the difference in their local economy and management. We know that Marylebone is governed by a *vestry*, which represents the property, electoral body, and intelligence of the parish; and that the City is governed by a *corporation*, which does not, upon any equitable or uniform principle, represent any of those elements.

Other differences may be alleged. Marylebone is not a *seaport*; it is not so commercial in its character; its population is more fixed, and not so floating, as that of the City, and the proportion of criminality is less. All these will make a difference in its expenses, in its charges for magistracy, police, lighting, watching, and other items. For these reasons, we shall select another place for comparison, and against which none of these objections can be urged. We will select the second

seaport of the empire; we will select Liverpool, whose population is wholly commercial, maritime, banking, speculative, and enterprising, like that of the City of London; and its proportion of criminal offences exceeds that of any place in the United Kingdom.

Now, how do matters stand between Liverpool and London? The population of Liverpool amounts to 282,656—more than double that of the City of London. Upon all this vast population, its local interests, and government, the corporation of Liverpool expended, in 1843, the sum of 349,606*l.* 10*s.* 4½*d.* This is a large expenditure, seven times as much as that of any other place (Bristol is the next, amounting to 49,176*l.*) in the kingdom, exclusive of London. But the following items, of which it consisted, and as returned to Parliament, explain the outlay:—

Repayment of Loans	£115,828	9	3
Public Works, Repairs, &c.	93,624	17	6½
Police and Constables.....	39,599	9	1
Gaols	11,186	5	8
Administration of Justice and Prosecution of Felons	14,088	5	4
Lighting and Cleansing.....	20,382	6	8
Law Expenses	9,226	12	4
County Expenses, with Coroner	5,277	3	8

The two first items are casual, and not proper for comparison. Omitting these, the local administration of Liverpool appears to have cost 100,360*l.* 2*s.* 9*d.* The expenditure by the Corporation of London, for corresponding objects, for 1842, was as follows:—

Magistracy of the City, with its Proportion of the Police Expenses borne by the Corporation	£17,838	6	5
Prisons of the City	21,819	13	3½
Administration of Justice at the Central Criminal Court, and the Sessions House, Old Bailey.....	9,440	2	11
Office of Coroner.....	924	2	8
Civil Government of the City	28,505	16	9
Magistracy of Southwark and Borough Compter.....	1,654	16	7
Paving, Cleansing, and Lighting.....	41,945	6	7
	£112,278	5	0½

Liverpool is almost in every respect as dear a place to live in as London. The population is more than double that of the City, and, as just remarked, more delinquent, and less amenable to judicial restraint; yet its local government is carried on at less than *one-fourth* of the expense of that of the metropolitan city. The same municipal services that cost the people of Liverpool 4s. 1d. per head, cost the inhabitants of London 17s. 4d. So much better is a reformed than an unreformed corporation. Surely the result ought to arrest attention; but it is only one of many reasons that may be urged, on the need of regenerated institutions for the capital.

It is unnecessary to enter into a detailed array of the civic abuses by which the urgency of municipal reform has been established. It has already been done in an able and complete manner in the *Westminster Review*. Against the formidable impeachment of this journal the City Solicitor entered the lists, and, in an address of three days' continuance, endeavoured to rebut or extenuate the heaviest inculpatory charges.

A more competent and dexterous advocate, perhaps, could not have come forward, but Mr. Hickson's indictment remains substantially undisproved.

Mr. Charles Pearson appears to have been particularly scandalised by the remark, in reference to his former and present conduct, that having failed in effecting any great reduction of corporate expenditure, he had performed the next best duty of a reformer, by preventing a portion of the public money going into worse hands than his own. But with strong inducements, as a well-paid official of the Corporation, and with every access to records and documents, how has the matter been left by him? He certainly showed that the Corporation is not so bad now as it has been, but this is no reason it ought not to be better. Some unimportant errors were detected, namely,—one respecting the trophy-tax, of a few hundreds per annum; also an error in the assertion that a certain alderman, lately deceased, who had been *twice* Lord Mayor of London, had in a case of bankruptcy proved his own debt three times over; this alderman having been, in truth, *once* only Lord Mayor. There was an error in stating the amount of Mr. Pearson's salary, 1,200*l.* having been inserted as part of his own charges, whereas the words, *for disbursements*, were omitted—this was unfortunate; but Mr. Pearson, while he very properly struck out that item, supplied others, which made his annual net income 2,100*l.*, instead of 2,500*l.* These oversights allowed, the gravamen of the charges remains untouched. What these are we shall try briefly to enumerate.

1. That the cost of the City Corporation is enormous, and out of proportion with that of every other municipal administration in the kingdom.

2. Although the expense is inordinate, neither the local magistracy, police, poor, public instruction and charities, nor the streets, sewers, or supply of water, are in the state they ought to be, and might be made, under a better system of civic government.

3. The disproportion between services and expenditure may be traced to the irresponsible constitution of the Corporation. It claims to be a representative institution. But it is not. It is less so than the House of Commons, or the Town Councils of Leeds and Manchester, or the municipalities of Berlin and Paris. True, the Court of Aldermen, which exercises the chief executive authority, is elected by the twenty-six wards of the City, each ward choosing one representative. But these wards are of unequal extent; the number of small wards exceeding the number of large wards; so that the power is really lodged in the hands of a minority of the citizens, which minority neither represents the wealth nor intelligence of the whole body. Unfairly constituted as the Court of Aldermen is, it virtually governs the City. Every alderman is a judge in certain civil courts, and a justice of the peace, or police-magistrate, not only for his own ward, but for the whole city. He is a licensing-magistrate, a circumstance which explains the interest taken by the publicans in every election of an alderman. The aldermen are elected for life, and usually sit with closed doors; thus at once irresponsible to their constituents and public opinion. They have the superintendence of prisons, and are *ex officio* governors of the royal hospitals, trustees of various public charities, and often masters or wardens of the livery companies. They appoint the Recorder, and a long list of corporate officials. In legislation they have a double influence,

deliberating and voting not only in their own court, but also as members of the Court of Common Council. This is much the same, as Mr. Hickson remarks, as if the peers were permitted to take part in the debates and votes of the House of Commons.

Lastly, every alderman, whatever his capacity or deserts, becomes (except in special cases,) by rotation, Lord Mayor of London—that is to say, chief magistrate and chief executive officer of the city. In this position his power is almost absolute over civic legislation. He may, for example, obstruct and put a stop to any portion of public business, at any stage of its proceedings, by dissolving the Court of Common Council; and the strong party feelings of a Mayor have, in fact, frequently annihilated the right of public discussion in the City during his year of office. A signal instance of this arbitrary interference has recently occurred; the present Lord Mayor having pertinaciously refused even to submit a question to the Court, suspected of a reform tendency: thus asserting a right, by his own fiat, to perpetuate whatever abuse he may think fit to patronise in the Corporation.

4. The Court of Common Council is obnoxious to the same radical objection in its primary construction as the Court of Aldermen, in being elected by wards of unequal size. Unlike the aldermen, however, they are not chosen for life—only for a year. This makes the Court of Common Council more amenable to popular influence and amendment. Its patronage is considerable, appointing the Common Sergeant, City Solicitor, Town Clerk, the Remembrancer, Judges of the Sheriff's Court, the City tradesmen, about one-half the Commission of Sewers, and a host of subordinate

officers, such as Sergeant-carver, Sword-bearer, Sergeant of the Channel, Yeomen of the Water-side, &c.

5. The rights of freemen have been a fertile source of controversy and vexation. Originally the word freedom had a meaning, and conferred valuable immunities. In the feudal times there were only two classes of people—masters and serfs. All who were not freemen were bondsmen, belonging as property to some great lord or baron. The royal charters granted to towns, gave the rights of freedom, and these rights the incorporated towns made protective of the trade and industry carried on within the limits of their local jurisdiction. Hence, to be a dealer in the city, a person must be free of the general corporation of the city; and if he exercise any skilled occupation or mystery, he must also take up his freedom in one of the livery companies of London. Thus, to be a poulterer, a man must be free of the Poulterers' Company; or if he deal in bacon, of the Butchers' Company. Sir Joshua Reynolds having exercised his admirable skill in painting some pictures in the City, was obliged to take up his freedom in the Company of Painters and Stainers. The employment of a non-freeman subjects a master-tradesman to a penalty; while mechanics and other operatives are frequently compelled to leave the City, from unwillingness or inability to pay their redemption fine. This was the case of the great Watt, the improver, and almost the creator, of the steam-engine, who was driven from London at the commencement of his career, from inability to pay the fine, which was then about 40*l*.

It seems an anomaly that non-freemen should be allowed to sell by wholesale and not by retail, and has

been accounted for in the altered usages of trade. By wholesale dealers, or merchant-strangers, were originally meant temporary sojourners; in fact they were such, the entire commerce of the country being carried on by foreigners; and the city to encourage them to bring their goods, allowed them to board and lodge with the citizens, but would not suffer them to keep house; if they continued residents longer than a year and a day, they were compelled to take up their freedom. In 1844—5, the Corporation appeared determined to subject wholesale dealers to the same liabilities as retailers, and more than 3000 summonses were issued for freedom fines. This unexpected movement occasioned an extraordinary excitement, almost amounting to a popular commotion and a free-trade union was formed, chiefly consisting of merchants and bankers, for an organized resistance. At length it was mutually agreed that the merits of the case should be tried by an amicable action against Messrs. Sturt and Sharp, of Wood Street. The Corporation acted on the bye-law of King James, which imposes a penalty of 5*l.* on every sale by retail by a non-freeman, or the keeping any shop, room, or place for sale; or using any art, trade, mystery, or occupation. The trial came on in the Lord Mayor's Court, when the recorder decided that the words "by retail" overrode the entire enactment; consequently wholesale dealers are not liable to any penalty the bye-law imposed.

The major proposition lost, the minor had best been conceded with a good grace. The great birds having escaped, it was unworthy of the Corporation longer to persist in hunting down the small game. If they could not enclose in their meshes the opulent merchant and banker, it was neither politic nor

humane to worry by penalties and persecution the humble shopkeeper and operative. Their helplessness in this respect is not likely to be aided either by public sympathy or imperial legislation. The spirit of the age and of the general government is against them. In the provincial corporate towns, all exclusive rights to trade or labour have been abolished by the act of 1835.

But the rights of London, it has been urged, form a special case. In other municipal Corporations, the purchase of the freedom gave only the licence to trade; it did not exempt the inhabitants from borough-rates. In London no such rates are levied. All the expense of prisons, the administration of justice, the coroner, one-fourth of the expense of the police force, with all the charges which in counties are paid by a county-rate, and in boroughs by a borough rate, are in London paid out of the City cash, accruing from its estates and other corporate funds. To these funds the non-freeman, whether retail or wholesale trader, does not contribute a farthing, though sharing in the benefits derived from the expenditure of them. The purchase of a freedom in the City, therefore, is held to be not merely the purchase of a licence to trade, but the composition-price paid for exemption from imposts, to which every inhabitant is elsewhere liable.

Allowing the case to be correctly stated, it affords only a weak defence of the existing practice. The City estates are not convertible like private property; they pertain exclusively to their proscribed or customary uses, whether it be police, judicial, or anything else. In like manner, freedom fines cannot be levied for any other object than that for which they were

originally imposed, namely, a license to trade; and if that privilege has become worthless, hurtful, or contrary to the general policy of the country, the exaction ought to cease. But if the Corporation has no defence in law, it has certainly none in reason or humanity. Against the rich merchant and warehouseman it is powerless, and it can wage war only against the young tradesman, small shopkeeper, or mechanic. Renounce then, we say, the invidious privilege. All or none, ought to be its motto. If black-mail cannot be raised on the strong and affluent, do not seek to levy it on the weak and indigent. It may seem hard to share, without equivalent, corporate immunities with strangers; but small interests must give way to great ends: the public weal demands it, and the law has sanctioned it. Other corporations have been opened, why not that of London? The close boroughs were a valuable property, but the Reform Bill either compelled the corporators without compensation to relinquish entirely their monopoly, or share in common their privileges. Even the City did not escape, and its boasted freedom right has been lowered in consequence three-fourths in value. Further sacrifices are demanded. What it seeks to perpetuate is absurd on the face of it. It is absurd that a man should be free to live and trade on one side of Temple Bar, and not on the other; in Oxford Street, and not in Cheapside. The ancient sanctuaries for criminals and debtors, or the privileges of the Fleet Prison, were just as defensible.

The abolition of freedom rights would tend to simplify electoral franchises. At present these are complicated, there being three classes of electors:—those who elect, in wards of unequal extent, the

Aldermen and Common Council. Second, the liverymen of the trade companies, who elect, by a show of hands, or by a poll at Guildhall, various municipal officers; and impose, in their own halls, by virtue of ancient charters, various municipal taxes, together with trade regulations. The third, are the 10% householders, who, under the Reform Bill, together with the livery, elect the parliamentary representatives.

Citizenship ought to be made the general elective qualification, and electors qualified to vote for members of parliament be qualified to vote for municipal officers, and at a common hall. Upon this point the dispute now pending between the Court of Aldermen and Court of Common Council chiefly turns. The aim of the aldermen is to restrict the legislative power of the common council; that having evinced a desire to abolish the freedom fine, and enrol all resident householders rated at 10% as freemen: thus practically making the parliamentary franchise and the municipal franchise the same, and giving to those who are affected by corporate laws the right to vote in the making of them. That the Common Council have power to abolish the fine has been admitted, for they have already abolished before three-fourths of it. Neither does their general legislative power appear disputable, having exercised it since the reign of Richard II.

Voluntary is better than compulsory reform, and if the institutions of the City contain within themselves the elements of self-regeneration, external intervention will become unnecessary. But history does not afford many examples of corporations struggling to adapt themselves to the wants and progress of the age. In common with other ruling bodies, in the lapse of time, the interests of individual corporators become para-



mount to those of the communities over which they preside, and for whose benefit they have been privileged. They are apt to be apprehensive that they have more to fear than hope from innovation. Hence they cling to routine—to established abuses—with the conviction that present gains and distinctions, which at least may last their life-time, are safer to hold by than the contingencies of a precarious future, in which their shares may be less or nothing. The corporation of the City, it is likely, forms no exception to these views and influences. Its reform, however, is not that of an ordinary municipality. It is less, perhaps, of a local than a national question. London, as already observed, is, directly or by ramification, connected with every interest in the empire; the chief public records and edifices are included within its precincts; it is not only the seat of government, and the central resort of judicial administration—but from the same source all colonial, mercantile, and monetary transactions derive their force, character, and movement. Whatever, therefore, relates to the efficient administration of this emporium—its security or welfare, concerns the kingdom at large.

Under this aspect, the constitution of the police and magistracy of the metropolis, is of vital importance. The magistrates of the City act on the unpaid, or voluntary principle, but voluntarism has not been found to answer on a large scale, and in the long run. It has failed in the relief of the poor, and in popular education; it could not be safely trusted in the military defence of a country, and justices' justice is far from satisfactory. In the City the magistrates are the aldermen; some of them are competent and assiduous, others are not. They are men of business, often engaged in

large commercial speculations; it would be unreasonable to expect them to devote the whole of their time to the magisterial bench: the duties, therefore, are discharged by rotation; and what are the results? Attendance is remiss, and city justice precarious and conflicting. Twenty-six aldermen may have twenty-six different minds—twenty-six different notions of justice; and rarely on one day of the year is a rule of law or equity laid down at Guildhall, that is not violated the next. One alderman is a friend of the poor-law; another has a tenderness for vagrants. One alderman listens only to the evidence; another to the dictates of a kind heart. The effect of this alternate severity and leniency may be observed any day in the week, by those who will take the trouble, and listen to the conversation passing between individuals in the crowd, waiting for a summons or a hearing, and the officers at the door. “Who will be sitting alderman to-day?” “Mr. Alderman —.” “Then I shall go home; he won’t do for me.” “Who shall you have next week?” “Mr. Alderman —.” “He’s my man.”

As Mr. Hickson observes, “it is but a poor compensation for these evils that one alderman has rendered eminent service to the citizens in rooting out nests of swindlers. It is useful to have such a magistrate, although but occasionally active; but why, if such a magistrate be required, not employ one, (no matter how high the salary,) to be constantly at his post. Delay in the administration of justice is now a source of constant complaint; and, to our thinking, few complaints can relate to a more serious grievance. Justice should never slumber: the magisterial watch should be like the watch on the quarter-deck of a man-of-war, where one officer relieves another every

three or six hours, and the deck is never deserted. It is somewhat different in the City. "The whole forenoon wasted." "One o'clock, and no alderman"—"two o'clock, and no alderman"—three o'clock, and possibly an alderman, with his mind distracted, perhaps, with * * *. What, to such a man, is the explanation of a poor suitor of his private wrongs!

"In the appointment of magistrates various questions arise. It may be doubted by some whether they should be appointed by the Crown, or by the people; but there ought to be no question in the mind of any reflecting man, of the impropriety of putting upon the Bench a class of men with whom the interests of the public are necessarily a subordinate consideration to the pursuits of trade. The rule that should apply to this is that of the old rebuke, "You cannot serve God and Mammon. A judge should be secured against the temptation and the power of engaging in traffic. We need not adduce instances of its tendency to blunt the sense of those moral faculties which, in a magistrate, are most essential to the functions of his office. But we might, were it necessary, state the particulars of a case, with which we were personally conversant, of an alderman, now deceased, twice [once] Lord Mayor of London, whose dulness of moral perception had become so great, by the not over-scrupulous pursuit of mercantile gains, that he could see nothing wrong, when acting as assignee in a bankrupt estate, in proving his own debt in three different forms, to obtain three dividends, where other creditors were only receiving one. Fortunately he was set right in his mistake, though somewhat roughly, by the Vice-Chancellor, in consequence of whose decree upwards of 1,000*l.* were returned to the estate. A more recent

case is fresh in the memory of every one, of another alderman, now retired from the Court, but magistrate at the time for Southwark, who could perceive no public scandal in attending to his magisterial duties while in custody for debt—presuming, we suppose, that he was rendering the law ‘a terror to evil-doers’ by his personal example, he himself being a prisoner in the hands of a sheriff’s officer, standing in the Court by his side.”

There may be exaggeration in this, and the conclusions not wholly unexceptionable. Paid justices are not always paragons of excellence. The judicial *dicta* of those of the rest of the metropolis, as well as in the City, are often inconsistent and inculpatory enough. In a commercial city, commercial men possess advantages in the discovery and adjudication of wrongs, that it would be vain to expect from mere lawyers, through barristers of ten years’ standing. Perhaps a union of both on the bench would be most expedient—professional men supplying the law, and aldermen the personal, local, and mercantile information. We leave the subject for another.

The City of London, above any other capital, perhaps, is renowned for its benevolent endowments. Almost its entire site may be looked upon as holy ground, consecrated to pious and charitable uses. Of this property the Corporation is a principal trustee. That is, the donors of former times bequeathed their money in the confidence that the Lord Mayor, Aldermen, and Commonalty of the City would, like faithful guardians, watch over the interests of the charities they founded, by officers of their own appointment, and prevent misapplication of eleemosynary funds. Of these trust-foundations, the royal hospitals are the

chief, namely, Christ's Hospital, St. Bartholomew's Hospital, Bethlem Hospital, St. Thomas's Hospital, and the hospital, or prison, of Bridewell. These five hospitals are, by many persons unacquainted with their history, regarded in the light of private institutions ; and their revenues erroneously considered to be as much the property of the governors as the funds of a new dispensary, established by subscription, are the property of the subscribers. These revenues, according to the Report of the Charity Commissioners, amount to the princely sum of 128,263*l.*; the fund every year available for moral and religious instruction, the relief of the poor, the care and cure of the sick and the insane, and the punishment of vagrants.

The power which the citizens once possessed over these institutions has now been nearly lost, through the practice which at one time was all but universal in the Corporation, of allowing every office of trust or emolument in its gift to be obtained by purchase, and which is not yet entirely abandoned. In the case of the public hospitals, it was thought the charities would be benefited by allowing a person to become a Governor, contributing a large donation, and doubtless this has been the case, but it opens a wide door to abuse. The founder of an institution may be fairly entitled to such a share in its management as is equivalent to the amount of his donation ; but no principle can be more erroneous, than that of selling to a stranger, who may feel no interest in the original objects of the endowment, the right to vote away the funds left by others for its maintenance. In Christ's Hospital the number of Governors is about 400, and of these three-fourths have no better claim to the office than the ability to spare the sum of 400*l.*; a sum

which, although sometimes given from a charitable impulse, must be frequently laid out as an eligible investment of so much capital; yielding, in the right of placing a boy on the foundation every three or four years, an ample return for the money laid out.

One check, however, exists against abuse; and, if the Corporation of London only represented the general interests and intelligence of the citizens, that check might be an efficient one. All the Governors do not buy in; there are *ex officio* Governors, consisting of the Lord Mayor for the time being, twenty-six Aldermen, and twelve members of the Common Council. By an Act of Parliament, (22 Geo. III.,) forty-eight members of the Corporation are made *ex officio* Governors, not only of Christ's Hospital, but of each of the five hospitals; and their influence, both from their position and peculiar privileges, is more than proportionate to their number, although the donation-governors form the majority. With this lever the Corporation retains an influential power over the Hospitals, that might be successfully exerted, were its forty-eight representatives the fittest men for their duties. But some of the wards are only so many rotten boroughs, and fitness of qualification is no more sought in the choice of their representatives, than it used to be in Gatton or Old Sarum. Under such defects of local government the reform of hospitals or other abuses are not sought after, and London does not reap one-third the benefit it ought, either in quantity or quality, from these wealthy institutions. The sole question seems to be, how can the patronage of the hospitals be most quietly shared, and the hospital-governors of the Common Council are therefore appointed by lot!

"Practically," says Mr. Hickson, (*Westminster Review*, No. 77,) "the government of the hospitals is in the hands of close committees, the active members of which, taking advantage of the apathy of some Governors, the incapacity of others, and their own influence as the principal dispensers of patronage, elect and re-elect themselves without opposition. The Committee of Almoners in Christ's Hospital is composed of forty-eight Governors, formerly elected for life, but six of whom now go out of office every year, but are again eligible after a twelvemonth has expired. The six to be elected in their room are always recommended by the Committee, which is generally strong enough to carry its own list. In the House Committee of St. Bartholomew's Hospital, about one-third the number are *ex officio*, and as such immoveable; of the remaining twenty, ten go out of office every year, but are again eligible after another year has expired. The Grand Committee of St. Thomas's Hospital is composed of thirty-two members, two of them the president and treasurer *ex officio*. Of the thirty, ten go out of office every year; but the list of the ten to be elected is prepared by the treasurer, and it is rare that any one is chosen who has not served before."

The management of the City charities naturally leads to some notice of the Livery Companies. The constitution of these bodies is closely connected with municipal reform. The charity funds they administer, according to their own account, amount to 85,685*l*. This revenue is now held by a body called Masters and Wardens, chosen from the liverymen of the companies; but take away, as any reform must do, their legal power to exact fines for municipal rights; take away the trading privileges of the livery, and what becomes

of the constituent body from which the Masters and Wardens are now appointed? Are the trustees of this vast amount of charity property to become wholly self-elected?

Some of the Companies appear to have fallen into this dilemma, either by the extinction of the livery, or the usurpation of their rights by the Masters and Wardens, and Court of Assistants. It is these who manage the trust property, who let the lands and tenements, contract for repairs and alterations, present to the church livings, and receive the dividends of invested capital. They also select the objects of the charity, and interpret the will, deed, or letters patent by which it was created. The commonalty of the Companies has no share in these functions; the power is engrossed by the parties mentioned, who mostly elect themselves, forming a secret and perpetual conclave, into which those only are admitted who are connected with the parent stock by ties of interest or kindred.

There are eighty-nine Trade Companies, and their total amount of property is estimated at 250,000*l.* per annum. Several of the Companies, as the Drapers', the Mercers', the Goldsmiths', are supposed to be nearly as rich as Christ's Hospital. The greater proportion of the funds of the Companies, held as their private property, is doubtless the surplus produce of the trust charities, accruing from a technical error of the donors. If a testator bequeathed the *whole* produce of a field, worth in his lifetime about 10*l.* per annum to a charity-school, and that field became valuable building-ground, let at 500*l.*, the *whole* of that 500*l.* must go to the school. Such is the decision of the Courts. But if the testator, not dreaming of this

increase in the value of landed property, said in his will, "I have a field worth 10*l.* per annum ; I bequeath 5*l.* to school A., and 5*l.* to school B.," and after his death this field rises in value to 500*l.*, then the Master and Wardens, the trustees of the testator, claim the right of keeping for their own uses the difference between the 10*l.* and the 500*l.*;—the testator having neglected to provide that the *whole* produce of the field should be divided between the two schools.

St. Paul's School, which was left in trust to the Mercers' Company, affords an illustrative example. In the year 1524 the estates left by Dean Colet produced 122*l.* a-year. At the time of the inquiry by the Charity Commissioners the same estates produced 5,252*l.* Notwithstanding this increase of income, the Company have not increased the number of scholars on the foundation. They still adhere to the old statutable number of 153. That number is said to have been adopted by Dean Colet, because it answered to the number of fish taken by St. Peter. (John xxi. 11.) But in other matters they are lax enough in observing the ordinances of the founder ; and, in fact, the statutes of the school are venerated in the same way as those of Oxford and Cambridge, and the colleges of Eton and Winchester—just as many and so much of them are observed, as suit the interest and convenience of the managers. On this principle the high master's salary of a *mark* a-week has been interpreted to mean upwards of 613*l.*, besides gratuities : and the second master's salary of 6*s.* 8*d.* to mean 300*l.* Neither are they more consistent in continuing to restrict the instruction of the school to the acquisition of Greek and Latin. Dean Colet contemplated no such limitation

when he said, "*desiring nothyng more thanne EDUCATION, and bringing uppe children in good manners and literature.*" Without deviating from the literal expression, education might be interpreted to include other branches of learning, beside an acquaintance with the dead languages.

A reform in the constitution of the Mercers' and other guild fraternities, and, as a consequence, in the management of their numerous trusts, would necessarily follow a reform of the parent Corporation. But continues the great obstacle to progression; and the the age of wooden spoons would be quite as germane to the time, as the inapplicable institutes of the City. Elsewhere industry is free, trade is free, and transit is free—but not so within the civic purlieus. There a man cannot do what he pleases with his own. Beyond the bars he may be a freeman, but let a stranger pass that invisible barrier, and he immediately becomes subject to the regimen of the dark ages, when all was monopoly and obstruction. Liberty to trade, or exercise any industrial art he has none. He is not even allowed to fetch or carry for himself, or to measure, weigh, garble, or guage his own merchandise. All these things are done for him in the City—to be paid for accordingly. There is a company or fellowship, warden or alderman, common councilman or deputy, yeoman or carver, to do or overlook everything. The Carmen's Company carry or license to carry; there are watermen for the river, and Tacklehouse porters, Ticket porters, and Billingsgate porters for land conveyance, with divers meters of corn, fruit, oysters, salt, potatoes, &c. All have their exclusive offices, and exclusive pay, fees, or perquisites. There are other customs within this privileged domain, not found in the rest

of the kingdom, or even of the metropolis—duties being levied on coals, salt, wine, oil, and spirits imported; and which are not a little onerous on those living within the range of municipal authority.

Over all these time-honoured imposts and usages the Corporation slumbers in security. No anticipatory effort is made to avert the purifying ordeal that awaits it, whether sanitary, industrial, fiscal, or magisterial. Not a single abuse or incongruity is mitigated; no gorgeous or absurd pageant is dropped or modernised; the Mansion House dinners are as sumptuous, and aquatic excursions as costly as ever; the Court of Aldermen and the Court of Common Council are as instinct with twaddle, time-serving, and jobbing, as of old time; even the City Solicitor is unchanged in his changeableness, and with droll stories and scraps from *Hudibras*, aided by ingenious models, and *dilletanti* schemes of City improvement, is just as amusing in exhibition as when he aspired to represent a Whig borough in Parliament, and, at the head of the Reform Ministry, lead the oratorical battle against seat-selling, unmerited pensions, and overgrown abuses.

Still, the signs abroad cannot be mistaken. Smithfield Market is already booked, and the conservancy of the Thames is also in the hands of a parliamentary committee. One great public question after another has been disposed of, and that of civic delinquencies must inevitably take its turn. After the Corn Laws, it stands next on the file, and more than any other is ripe for judgment and execution. A twelve years' respite, and no amendment, has exhausted all patience. Time, remonstrance, and appeal have all proved unavailing, and nothing more remains save legislative coercion.

Of the utter indifference of their High Mightinesses of the City to public accommodation we will cite an example, and which it would be almost ludicrous to notice, did not thousands daily witness and suffer from its continuance. The want of compassion in corporate bodies has been long known, and the Holborn Hill obstruction, to which we refer, quite as conclusively establishes their utter immobility. Here it is, precisely as it has been for centuries, without a single effort to smooth or bridge over the difficulty. Meanwhile the country and the rest of the metropolis have been undergoing all kinds of local vicissitudes. We have had the turnpike revolution, the canal revolution, and are fast past passing through the railway revolution; there has been a tunnel made under, and half-a-dozen bridges thrown over, the Thames; yet not a single arch could be thrown over the "Fleet Valley," as the City Solicitor poetically terms the abomination. Is not this decisive of the merits of the Corporation? Does it not show that they are unworthy or unfit to govern their fellow-citizens? If a stone viaduct had been too expensive, why not try a wooden one? Anything to save the hourly havoc of men, horses, and carriages. Every day has its chapter of accidents; its long list of broken axle-trees, dislocated shoulders, bruised, maimed, and prostrated teams. As an obstruction in a great thoroughfare, Holborn Hill is a nuisance; as a needless infliction of toil and danger it is a wanton cruelty—for which the Corporation ought to be held accountable, and of which any one may be convinced by witnessing the living throng of bipeds and quadrupeds traversing the defile from Skinner Street to Hatton Garden.

But there is a lion in the way, or rather a seduction,

which has doubtless averted the reform of this in common with other grievances. The Corporation of London is the richest in the world. It has not, perhaps, so many good things to dispose of as the Church or the State—still it has sumptuous pickings in its gift. We have already referred to the excess of its expenditure beyond that of the provincial municipalities, we shall next submit statements elucidatory of its patronage and well-paid offices.

They are extracted from the *Westminster Review*, for March, 1845. These, with the Editor's pertinent remarks, leave nothing further to be added on the Corporation of London.

PATRONAGE OF THE CORPORATION.

A Statement of the Cost to the Public, in the year 1833, of the Officers and Clerks of the London Corporation, in Salaries, Fees, and Office Allowances, from Returns signed by the Officers themselves, and presented by them to the Revenue Committee of the Court of Common Council, in 1835.

Legal Staff, (consisting of appointments held by Solicitors, Barristers, Proctors, and Attorneys' Clerks,)	38,067	19	6
State Officers, (the Lord Mayor, Chamberlain, Sheriffs, Yeomen, Trumpeters, &c.) ...	24,187	2	9
Officers of Customs and Market Dues ...	39,338	12	8
Officers of City Gaols	4,330	7	2
Officers of Public Works	5,403	12	5
Miscellaneous Officers, (including Hall-keepers, Beadles, Irish Society, Port of London, &c.)... ..	9,653	5	3
	£110,980	19	10

There have, of course, been many changes since 1835, but none of importance affecting the aggregate expences of the corporate establishments. The salaries of some officers have been reduced, others increased; some offices have been abolished, new offices have been created: and if a corresponding return were to be presented to-morrow, we believe it would be found that the patronage list of the London Corporation is like the Irishman's blanket, which, when a piece was cut off from one end to be added on at the other, was found to remain of exactly the same length as before.

We present another view of the patronage of the Corporation, as it exists, to the best of our knowledge and belief, at this present moment of writing, in the year of our Lord 1845.

OFFICES IN THE GIFT OF THE CORPORATION:

8,000 <i>l</i> and upwards	...	...	...	1
3,000 <i>l</i> "	...	...	...	1
2,000 <i>l</i> "	...	...	...	5
1,500 <i>l</i> "	...	...	...	4
1,000 <i>l</i> "	...	...	...	10
700 <i>l</i> "	...	...	...	5
500 <i>l</i> "	...	...	...	21
400 <i>l</i> "	...	...	...	13
300 <i>l</i> "	...	...	...	30
200 <i>l</i> "	...	...	...	59
100 <i>l</i> "	...	...	...	114

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In the above statement is not included any office bought and sold, such as that of the deputy oyster-meters, although immediately dependent on the Corporation, nor the offices of beadle, constable, policemen, and others, producing individually less than 100*l*. per annum: and now, having placed the list before the reader, he will not be at a loss to account for the deep-rooted tenacity of City abuses. There is first a whole army of officials—next a still larger army of expectant candidates, all having a direct pecuniary interest in main-

taining what are called the privileges of the City. Every member of the Court of Alderman and Court of Common Council, with probably not twenty exceptions, has a view to some one or other of these offices for himself, his son, his brother, or his nephew. An act that would put an end simply to all exclusive privileges connected with trade, would destroy nearly the whole pretence for which many of the above offices, and those among the most valuable appointments, are kept up. How far either court will move towards such an object of its own accord, the public may judge.

**CORPORATE AND PAROCHIAL INCOME OF THE CITY OF
LONDON FOR PUBLIC OBJECTS.**

Trust Estates—for the relief of the poor, cure of the sick, education, religion, and general purposes	... ..	£360,000
Local rates (1842)	... ..	230,000
Coal and metage duties—Street and market tolls, (corresponding with the justly obnoxious “Octroi” system of the continent)	... ..	200,000
Freedom and livery fines, fees and other charges for corporate and trading privileges	... ..	50,000
Port of London, and conservancy of the river	... ..	60,000
		£900,000

Two-thirds of the above amount are collected by the Corporation; a proportion of the whole, but comparatively a small one, is devoted to objects not strictly connected with the City; the objects for which the whole should be applied are, for the most part, defined by wills or Acts of Parliament; and, we repeat, the City authorities tell us that which is quite true, when they say that for the greater portion of this vast revenue they are mere conduit pipes. The one fact to which we have sought to draw attention is, that *these conduit pipes leak*.

Church Reform.

Ecclesiastical Commission and Mock Reform—Small Livings and Bishops' Palaces—Revenues of the Church of England and their Distribution—Enormities of the Church of Ireland—Incomes of the Bishopsrics.

It may not be known to everybody, that the Church of England has been undergoing a gradual reform, on the homœopathic principle of small doses at once, during the last twelve years. The Ecclesiastical Commission was first appointed by Sir Robert Peel; it was renewed by his Whig successors, and by them, in 1836, incorporated, with a common seal, secretary, treasurer, allowance out of the taxes, and other signs of perpetuity, if not usefulness. It consists of the archbishops and bishops, and principal ministers of state. Certain funds were placed at his disposal, arising from the abolition of sinecure cathedral dignities, and from a reduction in episcopal incomes, to be applied to the augmentation of the value of the poorer sees and church livings, the erection of new churches, and the improvement of parsonage-houses. The professed objects were laudable enough, but the carrying them out having been virtually placed in the hands of the heads of the church, who themselves most needed reform, they were not likely to be very impartially or vigorously consummated.

Such, in the main, has been the results of this pretended reformation; the deformities of the Church have been aggravated, and the tendency of its labours has been to scatter over the face of the country hundreds, we might say thousands, of starveling curates, whose poverty is in an inverse ratio to the ecclesiastical wealth that surrounded them.

The Commissioners have divided with most scrupulous equality, without dividing parochial incomes in the same spirit of equality; so that the richer clergy have now less, and the poorer more than ever to do. Undoubtedly they have erected neat churches and pretty parsonage-houses; but they have left the new incumbents whom they have called into existence "to strut and starve on fifty pounds a-year." They have relieved *Dr. High and Dry* of one-half of his parish and of his duty; but they have preserved to him and to his successors two-thirds of his revenues. And they have thus created the large mass of pauper clergy they have converted into servile, dependent, and slavish tools of a centralized board, ready to do the ecclesiastical dirty work of any episcopal bigot. Hence, by means of this commission, the thorough and proper adaptation of the territorial limits and the revenues of the Church to the altered state of the country, to its increased and increasing population, and to its future prospects, has been postponed, if not wholly frustrated; the power of the bishops has been inordinately augmented; and the *Erastianism* of the connexion between our Establishment and the State, which is its greatest blot, has been increased.

The reform of the Church which is really wanted would consist in a complete re-distribution, on principles of the strictest equality, of the present inconve-

nient territorial demarcations of ecclesiastical districts, and of ecclesiastical revenues, in giving to the people some power of *veto*, if not of choice, over the appointment of their spiritual pastors; and in depriving bishops of the excuse which their legislative privileges now give them for long absence from, and very imperfect acquaintance with, their dioceses and their clergy.

The existing state of the law in reference to patronage in the Church of England has no parallel in absurdity and mischievousness. Nearly one-tenth of the incumbencies of the kingdom (those at the disposal of the Lord Chancellor) are avowedly given away to promote the political influence of the Queen's Ministers for the time being. Another class of livings (those of colleges in our Universities) are filled by pluralists, or by persons who have no local knowledge of the people confided to their care. Lay patronage is openly sold, and is given away to gratify friendly feelings, to complete domestic or family arrangements, or on any principle save that of spiritual efficiency. But the real complaint against the monster evil of the present system is, that the people have no interest in, no control over, the choice of their pastors. In every other appointment, from that of their representatives in Parliament down to the nomination of a petty constable, they are in some way or other consulted; but over the presentation of him whose teaching most concerns their welfare they have no influence. If they subscribe to build a new church its patronage is seized on by the bishop; if they tax themselves for the maintenance of a clergyman, they may have a pastor appointed over them who repels them from, rather than attracts them to church. The consequence is, that the great mass of the people of England take

little interest in the Church; they feel themselves treated by it like children, and they resent this treatment by neglect. A few of the most distinguished families in the parish, who live on terms of sociability with the clergyman, and perhaps their tradespeople, urged thereto by fear of loss of custom, may have other feelings; but those of two-thirds of the parishioners are as we have described; they are lifeless.

Now, what has the Ecclesiastical Commission done to remedy this state of things. Nothing. It has interposed, with its petty industry and restless extravagance, with its building mania, and its incessant, troublesome—often impertinent—correspondence, to prevent all remedy. And so long as it is allowed to fiddle-faddle away the revenues of the Church—to play at ecclesiastical reform as children do at soldiers, we shall have no reform of the Church. It is not by secret meetings of ambitious bishops and gouty peers; it is not by deliberations, over which public opinion has no control; it is not by the plotting head of the Bishop of London, or by the jobbing pen of a Philpot, or the obscure sophistries of a Gladstone, that the useful remodelling of the Church of England can be, or will be, achieved. No; it is by the public discussion of some systematic plan of increased usefulness in Parliament, when brought forward by the responsible servants of the Crown and of the people, that the Church of England can only be made to occupy that place in public estimation which the beauty of its service and the wealth of its endowments demand and require.

That which the Commission has evinced most sympathy for, has been the interests of the Order. A few petty sums have been appropriated to the augmentation

of small livings; for example, the living of Barnsley has received an increase of 6*l.*; of Long Buckley, 12*l.*; of Cam, 36*l.*; of St. Mary, Exeter, 9*l.*; of Fewstone, 15*l.*; of Prior's Lee, in Shiffnall, 6*l.*; of Stretford, in Manchester, 39*l.*; of Worsborough, 9*l.*; and of Wrenbury, 6*l.* On the four new churches in Bethnal Green, 150*l.* each has been settled. Up to 1843, the Commissioners had raised 194 benefices and churches, with a population of 2,000 each, to 150*l.* per annum; and 52 with a population of 1,000 each, to an income of 120*l.* But the chief expenditure has been in augmenting the value of sees, or in rebuilding and embellishing the episcopal residences.

In this line the liberality of the Commission has been exuberant; it granted more than was required, or even asked. For example,—Dr. Monk, the Bishop of Gloucester and Bristol, wished to have some repairs executed in his palace, which repairs were estimated at 1,100*l.* by his lordship's surveyor. Application was made to the Ecclesiastical Commissioners, who sent down their own surveyor to look over the premises. This gentleman returned an estimate of 10,000*l.* for the necessary repairs, which sum has been actually expended upon them, although the Bishop himself asked only for the small sum first mentioned. Here 8,500*l.* was reprehensibly wasted, as the see of Gloucester contained at the same time thirteen livings, none of them of a higher value than 132*l.*, some of them, too, with a large population,

As a specimen of the objects on which the funds of the Commission are expended, we subjoin their return to Parliament for the years 1841 and 1842 :—

IN 1841.

Augmentations of Sees	...	...	£8,600
Episcopal House Rent	...	...	1,000
Towards providing Episcopal Residences	...	...	11,222
Augmentation of Durham Livings	...	...	1,118
Compensation to Patent Officers of Durham and Ely	...	...	270
Agency	...	...	100
Augmentations of Livings	...	...	2,823
Expenses of Transfers, &c.	...	...	117

IN 1842.

Augmentations of Sees	...	...	8,489
Episcopal House Rent	...	...	492
Towards providing Episcopal Residences	...	...	3,258
Augmentations of Durham Livings	...	...	1,101
Compensation to Patent Officers of Durham and Ely	...	...	265
Augmentations of Livings	...	...	8,582
Augmentations of Deans and Chapters	...	...	2,251
Augmentation of an Archdeaconry	...	...	180
Purchase of a private Sinecure Rectory	...	...	6,885
Contribution towards Fabric Fund at York in respect of Vacated Prebends	...	...	500
Expenses of Transfers, &c.	...	...	93

Hudibras asks, and also answers his own question—

“What makes the Church a den of thieves?
Deans, chapters, and lawn sleeves.”

But this time the Deans and Chapters have had no share in the confederacy, though equally qualified by community of abuse with the lawn sleeves. Neither had the overworked and underpaid clergy of the Establishment any representative in the Ecclesiastical Commission. The redundant incomes of the Church, its pomp and ostentation, idleness and overfeeding, were alone incorporated—not its real wants, penury and ill-requited toil. The aristocracy, the House of Lords, was there,

not the Commons of the spiritual estate. From such a partially-constituted inquest, no solid benefits can be expected. We cannot expect figs from thorns, nor grapes from thistles. Sham reforms, to prevent real ones, there may be, but no efficient remedies of ecclesiastical maladies. Leaving, however, the Commission, let us take a general glance—it is all that we have room for—of the existing state and aspects of the Establishment.

What is the precise amount of the revenues of the Church it is difficult to determine, and perhaps no one knows. For, notwithstanding the ecclesiastical returns made to Parliament at different times, such are the omissions and mystifications, that it is impossible to obtain any thing like exact information on the subject. According to a return made by the Ecclesiastical Commissioners in 1835, the gross annual income of the clergy is 3,757,573*l*, and the net 3,456,851*l*. But ecclesiastical returns are always defective, and this was shamefully so. Not only was it defective as a whole, it was so on those very points it professed to embrace. Some of the richest dignitaries and greatest pluralists made no return at all. Bishops refused—some say forgot—to schedule their palaces and parks, deans their deaneries, and prebends their houses. The Bishop of Lincoln was “unable to state the value of the property belonging to the see of Lincoln, let to persons on leases.” The Bishop of Chichester was “without documents” showing the value of this species of property. The Bishop of Lichfield found “great difficulty in obtaining the information correctly,” owing to the illness of the secretary of his predecessor, whose mind had been “impaired by paralysis.” And, like the guests in the Gospel, the bishops all began to make

excuse, all except Exeter, who, in a reply to the Commissioners, said, "a demand of information, on the particulars enumerated, even if it were *authorized by the legislature*, I should deem a most unconstitutional and tyrannical inquisition into *my property*." That the returns are not to be relied upon is certain. They excited general disgust at the time, and were attacked and denounced in the House of Commons by Lord Howick.

There is one thing which has served to correct the miscalculations of the clergy, and which bids fair to be of great service to them,—we mean the Tithe Commutation Act. Since that Act has come into operation, it is surprising what a change has been wrought in clerical figures. The revenue of the Establishment, which had been stated to amount to only 3,757,573*l.*, has all on a sudden swollen to between seven and eight millions sterling, in tithes *only*. Some time back the Tithe Commissioners reported the tithes not then commuted at about 5,000,000*l.* per year. Those then commuted amounted to 1,480,000*l.*, making in all nearly six millions-and-a-half sterling; and if the same rule of rating be applied to the uncommuted as had been applied to the commuted tithes, the annual income from tithes alone will be nearly 8,000,000*l.*! When the clergy returned the annual value of their tithes, they made them up into small figures; afterwards, in making their bargains with the farmers, it was otherwise. To be straight-forward, they should have taken the valuation of their livings from the parliamentary returns, or more properly from the King's book, the authority by which they are usually governed in their payments of first-fruits and of tenths.

Besides tithes, which the clergy say belong to God,

and which, as his "representatives" and "stewards" they collect for him, they have other sources of wealth. The revenues of nearly all the charitable foundations in the kingdom are in the hands of clergymen. Professorships, fellowships, tutorships, masterships of the University and of public schools, are included in their monopoly. In public institutions it is the same. The clergy are trustees, secretaries, librarians, &c. Then there are their surplice fees, preacherships in royal chapels, lectureships, stipends of chapels of ease, chaplainships in the army and navy, embassies, corporate bodies, commercial companies, Easter offerings, and such like. To all these may be added the consecration of churches, church-rates, ground-rents, vault-making, putting up tomb-stones, tablets, &c., besides christening-fees, marriage-fees, burial-fees, presents, &c. Nor are these all; glebes, parsonages, vicarages, and other good things are contained in a clergyman's inventory, provided he is but *lucky*,—and that he is sure to be if he is but related to the aristocracy, or qualified at all to trade in politics and religion at the same time. Lastly, there are the *Episcopal* revenues, which, like their lordships, are neither few nor small,—and the lands attached to cathedral and collegiate edifices; the whole forming a revenue of little less than probably NINE MILLIONS PER ANNUM!

Let us next consider the DISTRIBUTION of this vast fund. The clergy are very fond of making an exhibition of the average value of benefices; as there are many small livings, this makes the result appear very favourable to them. It was the course adopted by the Ecclesiastical Commissioners; according to them the number of benefices is 10,540, and their aggregate net incomes 3,000,721*l.* giving an average

income of only 285*l.* per annum; a sum that would not be deemed by any reasonable person redundant for a clergyman. But look at the mass of errors involved in this representation. First the value of tithes, as has been shewn by the subsequent commutation of them, has been immensely underrated. But this was not the greatest mystification. The important point is the number of individuals among whom the parochial benefices are divided. If there were as many incumbents as there are livings, and each received only the moderate stipend of 285*l.* nobody would complain. But the real state of the case is very different; and the Church is very careful to keep it out of sight.

The facts are these. The entire 10,540 benefices of the Church are in the hands of little more than 7000 incumbents. *Pluralism* is the rule, and *singleism* the exception in the Church. There are 2,886 individuals with 7,037 livings; 517 with 1,701 livings; 209 with 836 livings; 64 with 320 livings. From Rivington's *Ecclesiastical Directory* it appears, that the total number of preferments—rectories, vicarages, and chapelries is—11,331, held by 7,190 incumbents; and that the number of incumbents may be classed as follows:—

Number of Individuals.		Preferments held by each.		Total Number of Preferments.
1	...	8	...	8
5	...	7	...	35
12	...	6	...	72
64	...	5	...	320
209	...	4	...	836
567	...	3	...	1701
2,027	...	2	...	4,054
4,305	...	1	...	4,305
7,990				11,331

This exhibits the way in which Church property is cut up. Some persons imagine that there are as many rectors as rectories, vicars as vicarages, prebendaries as prebends. No such thing. The vice of the Church is monopoly, in having too many Arch-deacon Hares in it, and too many starving curates and beneficiaries. The 26 bishops, 700 cathedral dignitaries, and 4000 incumbents, mostly pluralists and non-resident, and connected by relationship or other tie with the aristocracy, absorb nearly the whole ecclesiastical revenues, amounting to near nine millions, and averaging upwards of 2000*l.* each.

In favour of the Church, it is sometimes urged, that it costs the country *nothing*. Tithes, church rates, surplice fees, landed estates, &c. are said to be its own property, just as much as the private possessions of an individual, or a municipal corporation. Granting this, which however is very disputable, it is far from correct. The Church has been far from defraying the expense of its maintenance out of its own revenues, enormous as they are. It has received very large contributions from the *State*: but this is not peculiar to the Church of England. It pertains to all the established churches of the United Kingdom, and even to the non-established churches. Episcopalians, Presbyterians, Roman Catholics, and Protestant Dissenters, have all drawn largely from the taxes. That the Voluntaries should be recipients of public money, as well as the State Church, may be new to some, but the fact is unquestionable.

A return of the sums each denomination had received, in aid of religious worship, from the year 1800, was laid before Parliament in 1843, on the motion of Mr. William S. O'Brien: we subjoin an abstract of this document:—

SUMS RECEIVED BY THE ESTABLISHED CHURCHES.

England; for the Building of Churches, and the maintenance of Poor Clergy ...	£2,935,646
Scotland; for Churches in the Highlands, and the augmentation of the stipends of Ministers	522,802
Ireland; for the endowment, erection, and repair of Churches, and for the relief of tithe arrears	1,749,818
Total Established Churches	5,207,546

RECEIVED BY NON-ESTABLISHED CHURCHES.

Church of Rome; in augmentation of incomes (including Maynooth College,) and the erection and repair of chapels ...	365,007
English Protestant Dissenters	140,911
Irish Protestant Dissenters	878,736
	1,019,647
Total Established Churches ...	5,207,546
Total Non-Established Churches ...	1,384,654
	6,592,200*

It is a startling fact that ~~the~~ Church of England, in addition to its vast revenues, should have obtained contributive aid from the State to the amount of 2,935,646*l.* Not less so that the Church of Ireland should have obtained 1,749,818*l.* The present state of the Irish Protestant Church demands a brief notice. Some unimportant amendments were introduced in 1833, by a reduction in the number of sees, and in the amount of their revenues, but it still continues the great unreformed abuse of the empire. It is not merely a bad, but very bad institution; and of all the church institutions that ever existed, is the most

* Parliamentary Paper, No. 572, Sess. 1843.

absurd and indefensible. The travellers of every country who visit Ireland, declare the Protestant Establishment to be an enormity without parallel. All the arguments that may be adduced in defence of the Established Church of England or of Scotland, or of any country in the world become, as Mr. Macaulay remarked,* bitter satires on the existence of that of Ireland.

The object of a Church Establishment is doubtless, the civil government of a community. Nobody will pretend that tithes or any similar state provision, for the maintenance of the clergy, formed any part of the primitive institutes of Christianity. But the Protestant Church of Ireland is a great and uncompensated grievance; it has not conciliated and made more easy to govern the population, but rendered it bitterly hostile by alienating from British connexion the catholic priesthood, and all who have any influence over the people. In consequence, what Poland is to Russia, or the Blacks on the slave states of America, the Irish are to England—a slumbering volcano, that wants only a favourable juncture to explode.

For an established worship to be justifiable, it ought at least to be the general worship of society. A minority may submit to the majority, but not the contrary—it is against nature, against reason, and the pervading weal. This is the often-quoted argument adduced by Dr. Paley, who contends that the established religion of a country ought always to be that of a majority of the people; and if the people change their religion, then conformably therewith ought to be changed the appropriation of ecclesiastical endowments. This was the course adopted by

* House of Commons, April 23, 1845.

England at the Reformation, when the possessions of the Catholic were transferred to the Protestant Church. Upon the same principle, if religion of any kind at all be patronized by the State in Ireland, it ought to be that of the Roman Catholics, not only as the most efficient instrument of civil government, but as most consonant to the belief of the majority of the people.

A further revolting anomaly in the Irish Church, is that it is not only the Church of the minority, but of the *rich* minority. Nine-tenths of the property of Ireland have been calculated to belong to the Protestants. For these the State has lavishly provided gratuitous religious instruction; while the poor, who are unable to pay for religious teaching, are left destitute. The Protestant Church, therefore, is not the Church of the poor, who most need a public provision, but of the rich to whom it is superfluous. For the one rich man provided for, seven poor men are abandoned to Popery, or heathenism, or nothing. The scriptural text is reversed—the rich are filled with good things, and the *hungry* sent empty away.

It is, however, superfluous to argue this question. It has been often argued, and the arguments proving the enormity, injustice, and impolicy of the Irish Protestant Church, have never been answered. All that we shall do, therefore, will be to place the naked facts on record, and for this purpose shall rely on the researches of Mr. Ward,* who with exemplary ability and perseverance, has devoted himself to the reform of this division of Ireland's calamities. According to this gentleman's statement, the present revenues of the Protestant Church of Ireland, are as under:—

* House of Commons, June 11, 1844.

Archbishops and Bishops	...	...	...	£151,127
Deans and Prebends	...	...	...	34,481
Minor Canons and Vicars Choral	...	...	...	10,525
Total Episcopal and Cathedral	...	...	...	196,133
Parochial tithes	...	...	...	486,785
Episcopal tithes	...	...	...	9,515
Dignitaries' tithes	...	...	...	24,360
				520,660
Add Episcopal and Cathedral Revenues	...	...	...	196,133
Total Revenues of the Irish Church	...	...	...	716,733

There may be objections to the correctness of Mr. Ward's statement, but there can be none to the inquiries of the Ecclesiastical Commissioners. According to the results of their examination the revenues of the Irish Church amount to 650,753*l*. Deducting the Wesleyan Methodists, the Episcopalian amount only to 752,000 persons; it is upon the priesthood of this handful of religionists that this large revenue is wasted; for wasted it is, the Protestants being rich and well able to pay their priests; while the pastors of the *rest* of the population, nearly ten times as numerous, and the poorest part of it are left to seek a maintenance as they best can, from the precarious results of the *voluntary* principle.

All the vices remarked in the Church of England are found in the Protestant Church of Ireland. Pluralities, non-residence, and sinecurism, are the reproach of both Churches. But some abuses in Ireland are of a more aggravated type than in England. Her number of bishops, in proportion to their benefices, is more numerous than in England, and for their less duties they receive larger revenues. In England too there is no such extravagance as a shepherd being entirely without a flock. But this anomaly continues in Ireland after the pseudo reform of its church.

In 151 parishes the return of Protestants is none; in 194 less than 10; in 198 less than 20; in 133 less than 30; in 107 less than 40; in 77 less than 50; so that there are 860 parishes having less than 50 Protestants, and an aggregate income of 58,000*l*.

INCOMES of the ENGLISH BISHOPRICS, from a return to the House of Commons, dated May, 1, 1845:—

See	1837.	1840.	1843.
Canterbury	£23,307	£32,719	£27,705
York	13,988	10,366	20,141
London	15,754	12,429	13,519
Durham	19,577	29,806	22,416
Winchester	12,102	16,283	11,599
St. Asaph	8,387	8,510	8,084
Bangor	6,744	8,187	7,467
Bath and Wells	6,537	6,304	4,567
Carlisle	3,806	2,911	2,476
Chester	1,695	1,901	1,893
Chichester	5,563	5,083	6,519
t. David's	4,510	3,302	4,752
Ely	8,290	14,738	6,486
Exeter	2,241	1,092	1,092
Gloucester and Bristol ...	5,221	5,837	5,226
Hereford	2,739	5,915	5,936
Lichfield*			
Lincoln	2,980	4,419	5,610
Llandaff	796	687	890
Norwich	5,295	5,286	8,765
Oxford	3,199	2,295	2,506
Peterborough	2,897	4,756	4,060
Ripon	3,480	8,535	4,563
Rochester	1,489	1,254	1,102
Salisbury	3,352	3,664	12,879
Worcester	6,313	8,649	7,294

* No return could be obtained from the See of Lichfield, the Bishop's agent having failed and gone abroad.

FINIS.





